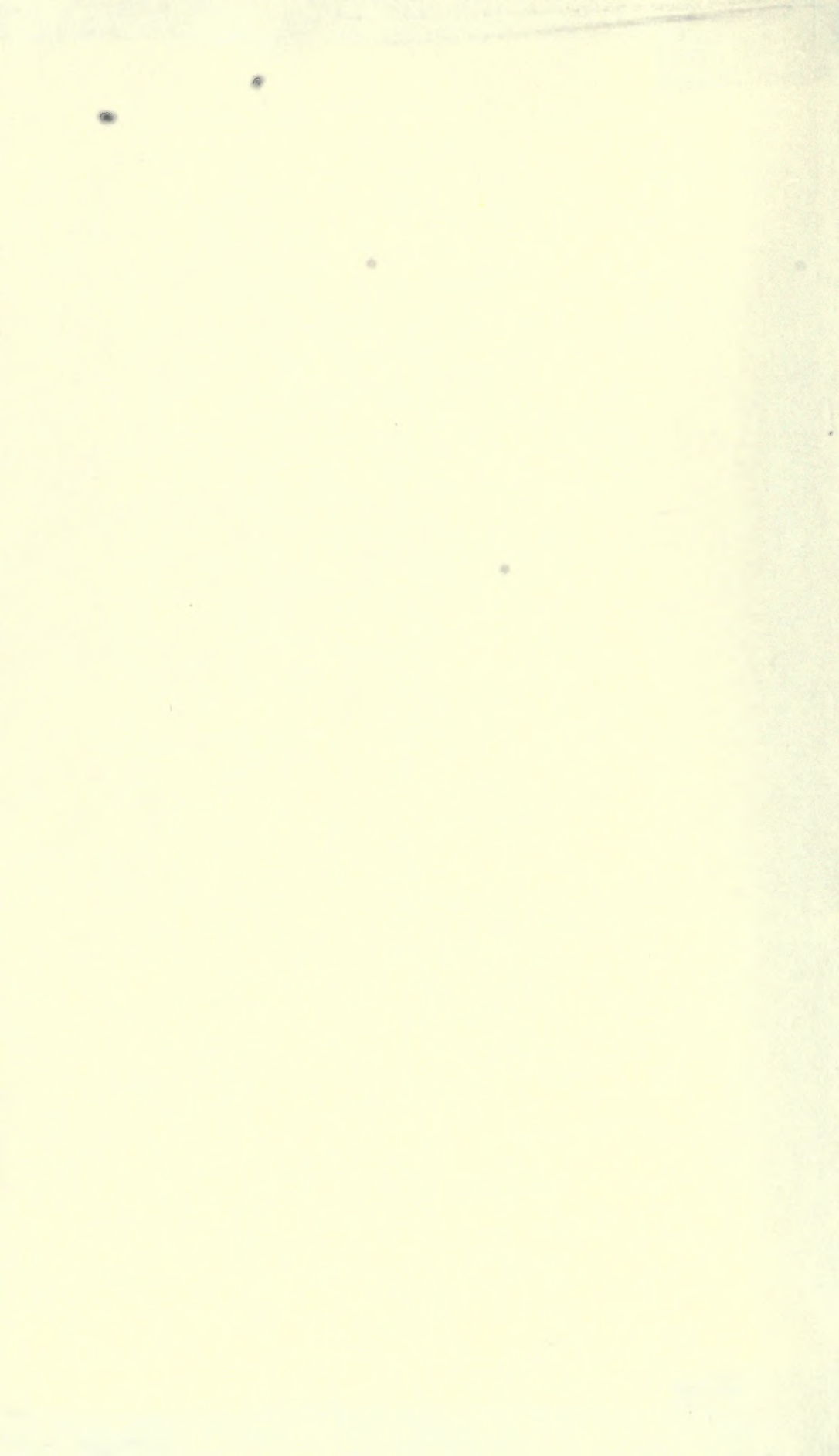


Ontario
Gov't. P.







INDEX

LEGISLATIVE ASSEMBLY
OF ONTARIO

January 20th to April 14th, 1965

THIRD SESSION OF THE TWENTY-SEVENTH
PARLIAMENT

PUBLIC BILLS

133114

BILLS

AS INTRODUCED IN THE HOUSE

TOGETHER WITH

REPRINTS AND THIRD READINGS

SESSION

133114

JANUARY 20th to APRIL 14th, 1965

and

APRIL 27th to JUNE 22nd, 1965

LEGISLATIVE ASSEMBLY
OF ONTARIO

THIRD SESSION OF THE TWENTY-SEVENTH
PARLIAMENT

13314

BILLS

AS INTRODUCED IN THE HOUSE
TOGETHER WITH

REPRINTS AND THIRD READINGS

13314

SESSION

JANUARY 20th to APRIL 14th, 1965

and

APRIL 27th to JUNE 22nd, 1965

INDEX

THIRD SESSION, TWENTY-SEVENTH PARLIAMENT

January 20th to April 14th, 1965

and

April 27th to June 22nd, 1965

PUBLIC BILLS

	Bill No.
Accidents, Motor Vehicle—See <i>Motor Vehicle</i>	
Accumulations Act, 1965 (Lapsed)	97
Agricultural Research Institute of Ontario Act, 1961-62—Act to amend	151
Agriculture—See <i>Department</i>	
Alcoholism and Drug Addiction Research Foundation Act, 1965	48
Anatomy Act—Act to amend	13
Arbitrations Act—Act to amend	14
Archaeological and Historic Sites Protection Act—Act to amend	7
Assessment Act—Act to amend	164

B

Bailiffs Act, 1960-61—Act to amend	46
Beaches Regulation Act, 1965 (Lapsed)	103
Bees Act—Act to amend	26
Boards of Education—See <i>Secondary Schools</i>	
Boundaries Act—Act to amend	38
Brucellosis Act, 1965	91

C

Cancer Act—Act to amend	74
Cattle Protection—See <i>Dog Tax</i>	
Centennial Centre of Science and Technology Act, 1965	114
Certification of Titles Act—Act to amend	2
Child Welfare Act, 1965	119
Children's Institutions Act, 1962-63—Act to amend	154
Commissioner of the Legislature Act, 1965 (Lapsed)	32
Community Centres Act—Act to amend	78
Commuter Services Act, 1965	147
Confederation Centennial Act, 1962-63—Act to amend	59
Construction Safety Act, 1961-62—Act to amend	19

Conveyancing and Law of Property Act—Act to amend (Lapsed).....	99
Coroners Act—Act to amend.....	72
Corporations Act—Act to amend.....	93
Corporations Tax Act—Act to amend.....	130
County Courts Act—Act to amend.....	40
County Judges Act—Act to amend.....	3
Crown—See <i>Proceedings Against</i>	
Crown Agency Act—Act to amend (Lapsed).....	145

D

Dead Animal Disposal Act—Act to amend.....	12
Dentistry Act—Act to amend.....	50
Department of Agriculture Act—Act to amend.....	57
Department of Education Act—Act to amend.....	153
Department of Municipal Affairs Act—Act to amend.....	67
Department of Public Welfare Act—Act to amend.....	156
Detention Centres—See <i>Regional</i>	
Devolution of Estates Act—Act to amend.....	1
Division Courts Act—Act to amend.....	54
Dog Tax and Cattle, Sheep and Poultry Protection Act—Act to amend....	20
Drainage Act, 1962-63—Act to amend.....	62

E

Education—See <i>Department</i>	
Election Act—Act to amend (Lapsed).....	61
Elevators and Lifts Act—Act to amend.....	18
Emergency Measures Act, 1962-63—Act to amend.....	166
Energy Act, 1964—Act to amend.....	83
Energy Board—See <i>Ontario</i>	
Expropriation—See <i>University</i>	
Expropriation Procedures Act, 1962-63—Act to amend.....	45

F

Farm Products Marketing Act—Act to amend.....	58
—Act to amend.....	140
Financial Administration Act—Act to amend.....	129
Fire Marshals Act—Act to amend.....	117
Flag Act, 1965.....	47

G

Gas and Oil Leases Act, 1962-63—Act to amend.....	84
General Sessions Act—Act to amend.....	100

Highway Improvement Act—Act to amend	8
Highway Traffic Act—Act to amend (Lapsed)	22
—Act to amend	115
Historic Sites—See <i>Archaeological</i>	
Homes for Retarded Children Act, 1962-63—Act to amend	155
Hospital Labour Disputes Arbitration Act, 1965	41
Hospital Services Commission Act—Act to amend	75
—Act to amend (Lapsed)	159
Hours of Work and Vacations with Pay Act—Act to amend (Lapsed)	10
—Act to amend (Lapsed)	11
Housing—See <i>Ontario</i>	
Human Rights—See <i>Ontario</i>	

I

Income Tax Act, 1961-62—Act to amend	132
Insurance Act—Act to amend (Lapsed)	29

J

John Graves Simcoe Memorial Foundation Act, 1965	94
Judicature Act—Act to amend	36
—Act to amend (Lapsed)	141
Junior Farmer Establishment Act—Act to amend	82
Justices of the Peace Act—Act to amend	118

L

Labour Relations Act—Act to amend (Lapsed)	60
Lakehead University—Act respecting	150
Land Titles Act—Act to amend	111
Legislative Assembly Act—Act to amend	80
Limited Partnerships Act—Act to amend	113
Liquor Control Act—Act to amend	162
Liquor Licence Act—Act to amend	163
Live Stock Community Sales Act—Act to amend	92
Loan and Trust Corporations Act—Act to amend	95
Local Improvement Act—Act to amend	68
Local Roads Boards Act, 1964—Act to amend	53
Loggers' Safety Act, 1962-63—Act to amend	23
Logging Tax Act—Act to amend	131
Lord's Day (Ontario) Act, 1960-61—Act to amend	37

M

Marriage Act—Act to amend	28
Meat Inspection Act (Ontario), 1962-63—Act to amend	138
Medical Act—Act to amend	49
Medical Services Insurance Act, 1965	136
Mental Hospital Act—Act to amend	106

M—Continued

Bill No.

Milk Act, 1965.....	135
Mining Act—Act to amend.....	42
Minors' Protection Act—Act to amend (Lapsed).....	65
Mortgages Act—Act to amend.....	5
Motor Vehicle Accident Claims Act, 1961-62—Act to amend.....	86
Motor Vehicle Fuel Tax Act, 1965.....	143
Municipal Act—Act to amend (Lapsed).....	33
—Act to amend (Lapsed).....	105
—Act to amend.....	146
Municipal Affairs—See <i>Department</i>	
Municipal Arbitrations Act—Act to amend.....	64
Municipal Board—See <i>Ontario</i>	
Municipal Franchise Extension Act—Act to amend.....	63
—Act to amend (Lapsed).....	81
Municipal Franchises Act—Act to amend.....	79
Municipality of Metropolitan Toronto Act—Act to amend (Lapsed).....	34
—Act to amend.....	137

N

Nurses Act, 1961-62—Act to amend.....	51
---------------------------------------	----

O

Oil—See <i>Gas and Oil</i>	
Ontario Energy Board Act, 1964—Act to amend.....	104
Ontario Housing Corporation Act, 1964—Act to amend.....	101
Ontario Human Rights Code, 1961-62—Act to amend (Lapsed).....	9
—Act to amend (Lapsed).....	16
—Act to amend.....	30
Ontario Institute for Studies in Education Act, 1965.....	127
Ontario Loan Act, 1965.....	160
Ontario Mental Health Foundation Act, 1960-61—Act to amend.....	161
Ontario Municipal Board Act—Act to amend.....	109
Ontario Municipal Employees Retirement System Act, 1961-62—Act to amend.....	165
Ontario Water Resources Commission Act—Act to amend.....	128
Operating Engineers Act, 1965.....	35
Ophthalmic Dispensers Act, 1960-61—Act to amend.....	107
Ottawa River Water Powers Act, 1965.....	24

P

Partnerships Registration Act—Act to amend.....	112
Pension Benefits Act, 1965.....	157
Perpetuities Act, 1965 (Lapsed).....	96
Pharmacy Act—Act to amend.....	108
Planning Act—Act to amend.....	85
Police Act—Act to amend.....	123
Power Commission Act—Act to amend.....	116
Private Hospitals Act—Act to amend.....	77

P—Continued

Bill No.

Private Investigators and Security Guards Act, 1965	73
Probation Act—Act to amend	4
Proceedings Against the Crown Act, 1962-63—Act to amend	71
Psychologists Registration Act—Act to amend	52
Public Health Act—Act to amend (Lapsed)	15
Act to amend	120
Public Hospitals Act—Act to amend	76
Public Lands Act—Act to amend	43
Poultry Protection—See <i>Dog Tax</i>	
Public Schools Act—Act to amend	88
Public Service Act, 1961-62—Act to amend	125
Public Service Superannuation Act—Act to amend	124
Public Service Works on Highways Act—Act to amend	66
Public Utilities Act—Act to amend	69
Public Welfare—See <i>Department</i>	

R

Racing Commission Act—Act to amend	126
Regional Detention Centres Act, 1965	142
Registry Act—Act to amend	110
Remembrance Day Act, 1965 (Lapsed)	55
Retail Sales Tax Act, 1960-61—Act to amend	133

S

Schools Administration Act—Act to amend	87
Secondary Schools and Boards of Education Act—Act to amend	90
Securities Act—Act to amend	122
Security Guards—See <i>Private Investigators</i>	
Seed Potatoes Act—Act to amend	139
Separate Schools Act—Act to amend	89
Sheep Protection—See <i>Dog Tax</i>	
Sheridan Park Corporation Act, 1964—Act to amend	102
Sheriffs Act—Act to amend	39
Succession Duty Act—Act to amend	134
Summary Convictions Act—Act to amend	56
Supply Act, 1965	168
Surrogate Courts Act—Act to amend	121

T

Tobacco Tax Act, 1965	144
Toronto—See <i>Municipality of Metropolitan Toronto</i>	
Toronto Hydro Employees' Union Dispute Act, 1965	167
Training Schools Act, 1965	25
Trench Excavators' Protection Act—Act to amend	17
Trustee Act—Act to amend	70
—Act to amend (Lapsed)	98

U

Bill No.

University Expropriation Powers Act, 1965.....	44
University of Guelph Act, 1964—Act to amend.....	152
University of Ottawa Act, 1965.....	158
University of Toronto Act, 1947—Act to amend.....	148
Used Car Dealers Act, 1964—Act to amend.....	6
Utilities—See <i>Public</i>	

V

Vital Statistics Act—Act to amend.....	27
--	----

W

Water Resources Commission—See <i>Ontario</i>	
Weed Control Act—Act to amend.....	21
Workmen's Compensation Act—Act to amend.....	31

Y

York University Act, 1965.....	149
--------------------------------	-----

PRIVATE BILLS

A

Academy Theatre Foundation—Act respecting (Withdrawn).....	Pr4
--	-----

B

Belleville, City of—Act respecting.....	Pr16
Burlington, Town of—Act respecting.....	Pr14

C

Canadian National Exhibition Association—Act respecting.....	Pr37
Chatham, City of—Act respecting.....	Pr43
Cornwall, City of—Act respecting.....	Pr17

E

East York Foundation—Act respecting.....	Pr38
East York, Township of—Act respecting.....	Pr33

F

Frontenac District High School Board—Act respecting.....	Pr11
--	------

G

Gananoque, Town of—Act respecting.....	Pr24
--	------

H

Bill No.

Hamilton, City of—Act respecting	Pr34
Hawkesbury, Town of—Act respecting	Pr32

K

Kingston, City of—Act respecting (Not reported)	Pr41
Kitchener, City of—Act respecting	Pr40

L

Legion—See <i>Royal Canadian</i>	
Lindsay, Town of—Act respecting (Not reported)	Pr1
London, City of—Act respecting	Pr20
London Separate School Board—Act respecting (Not reported)	Pr28
London, Township of—Act respecting	Pr8

M

Mosa, Township of—Act respecting	Pr30
--	------

N

New Hamburg, Village of—Act respecting	Pr21
North York, Township of—Act respecting	Pr42

O

Ontario Mission of the Deaf—Act respecting (Lapsed)	Pr12
Ontario Speech and Hearing Association—Act respecting	Pr6
Oshawa, City of—Act respecting	Pr31
Ottawa, City of—Act respecting	Pr36
Owen Sound General and Marine Hospital—Act respecting	Pr2

P

Peel, County of—Act respecting	Pr25
Pentecostal Assemblies of Canada—Act respecting	Pr10

R

Royal Canadian Legion—Act respecting	Pr3
--	-----

S

Salvation Army—Act respecting (Withdrawn)	Pr15
Scarborough, Township of—Act respecting	Pr39
Sonny Dale Raceway Limited—Act respecting (Withdrawn)	Pr35
Shuniah, Municipality of—Act respecting	Pr22
St. Thomas, City of—Act respecting	Pr26

T

Bill No.

Torbolton, Township of—Act respecting (Not reported)	Pr27
Toronto, City of—Act respecting	Pr19
Toronto French School Inc.—Act respecting (Withdrawn)	Pr23

U

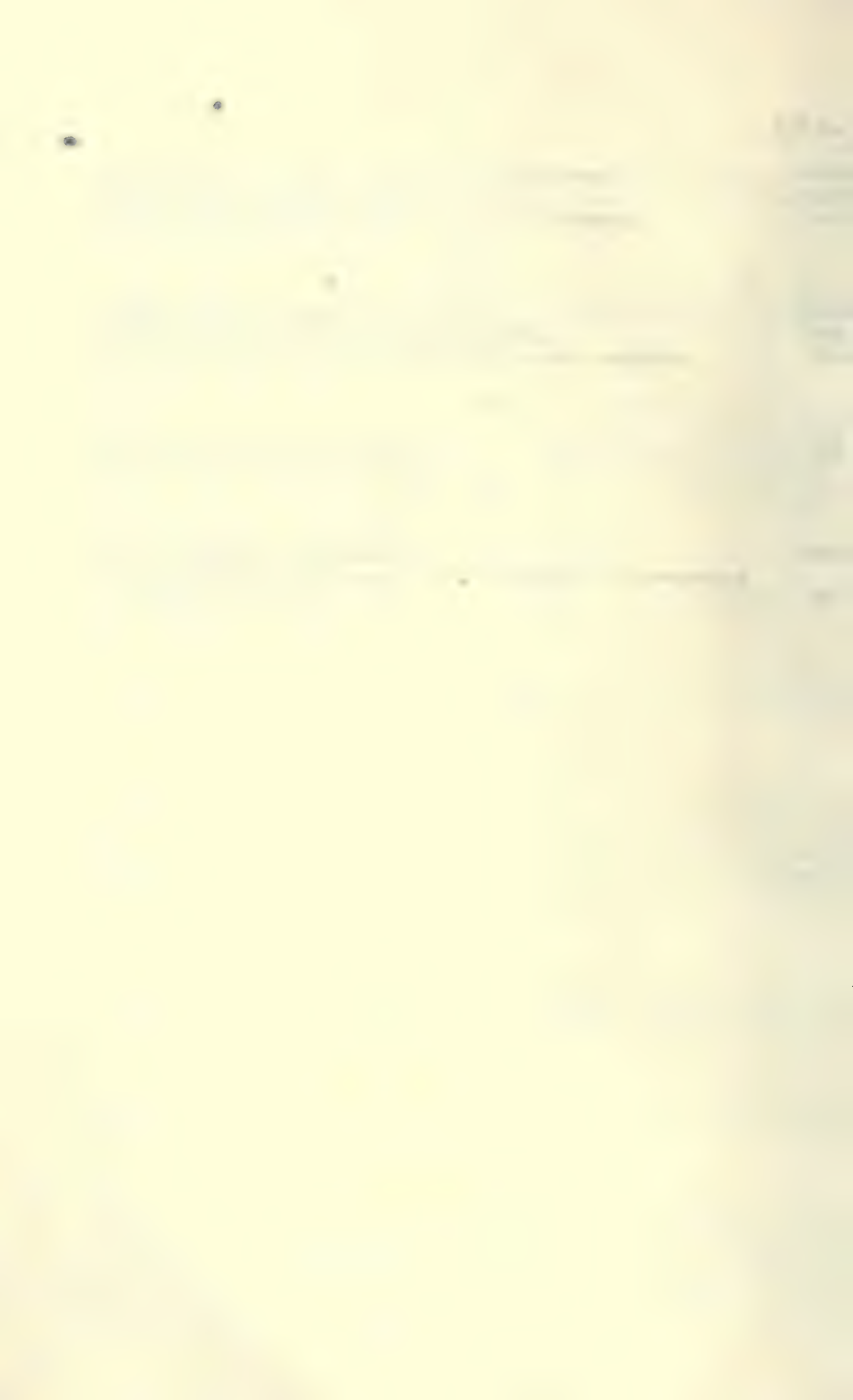
United Church of Canada—Act respecting	Pr13
United Co-operatives of Ontario—Act respecting	Pr18
United Fund of St. Catharines & District, Inc.—Act respecting	Pr5

W

Windsor, City of—Act respecting	Pr9
---	-----

Y

York, Township of—Act respecting	Pr29
Young Men's Christian Association of Belleville—Act respecting (Withdrawn)	Pr7



BILL 1

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Devolution of Estates Act

MR. WISHART

EXPLANATORY NOTE

An editorial error is corrected.

BILL 1

1965

**An Act to amend
The Devolution of Estates Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 13 of *The Devolution of Estates Act* is amended by striking out "shall" in the fourth line and inserting in lieu thereof "is" and by striking out "is" in the ninth line. R.S.O. 1960,
c. 106, s. 13,
subs. 1,
amended

2. This Act may be cited as *The Devolution of Estates Amendment Act, 1965*. Short title

An Act to amend
The Devolution of Estates Act

1st Reading

January 20th, 1965

2nd Reading

3rd Reading

MR. WISHART

BILL 1

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Devolution of Estates Act

MR. WISHART



BILL 1

1965

**An Act to amend
The Devolution of Estates Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 13 of *The Devolution of Estates Act* is amended by striking out "shall" in the fourth line and inserting in lieu thereof "is" and by striking out "is" in the ninth line. R.S.O. 1960,
c. 106, s. 13,
subs. 1,
amended

2. This Act may be cited as *The Devolution of Estates Amendment Act, 1965*. Short title

An Act to amend
The Devolution of Estates Act

1st Reading

January 20th, 1965

2nd Reading

February 1st, 1965

3rd Reading

April 2nd, 1965

MR. WISHART

BILL 2

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Certification of Titles Act

MR. WISHART

EXPLANATORY NOTES

SECTION 1. The provisions repealed provide for the functioning of the deputy director. The provisions are redundant as the matter is covered by section 7 of *The Land Titles Act*.

SECTION 2. The amendment permits the registration of a plan of subdivision of land in a certification area where the title of the subdivider's vendor, or of a predecessor in title, has been certified within five years before the registration.

BILL 2

1965

An Act to amend The Certification of Titles Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 2 and 3 of section 1 of *The Certification of Titles Act* are repealed.

R.S.O. 1960,
c. 48, s. 1,
subs. 2, 3,
repealed

2. Subsection 1 of section 14 of *The Certification of Titles Act* is amended by adding at the end thereof "or unless the owner has derived title through a previous owner whose title to the land was certified under this Act not more than five years before the date of registration of the plan", so that the subsection shall read as follows:

R.S.O. 1960,
c. 48, s. 14,
subs. 1,
amended

- (1) No plan of subdivision of land to which this Act applies and which is in a certification area shall be registered unless the title of the owner of the land has been certified under this Act or unless the owner has derived title through a previous owner whose title to the land was certified under this Act not more than five years before the date of registration of the plan.

Conditions
precedent
to registra-
tion of plan

3. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

4. This Act may be cited as *The Certification of Titles Amendment Act, 1965*.

Short title

An Act to amend
The Certification of Titles Act

1st Reading

January 22nd, 1965

2nd Reading

3rd Reading

MR. WISHART

BILL 2

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Certification of Titles Act

MR. WISHART



BILL 2

1965

An Act to amend The Certification of Titles Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 2 and 3 of section 1 of *The Certification of Titles Act* are repealed. R.S.O. 1960,
c. 48, s. 1,
subs. 2, 3,
repealed

2. Subsection 1 of section 14 of *The Certification of Titles Act* is amended by adding at the end thereof "or unless the owner has derived title through a previous owner whose title to the land was certified under this Act not more than five years before the date of registration of the plan", so that the subsection shall read as follows: R.S.O. 1960,
c. 48, s. 14,
subs. 1,
amended

- (1) No plan of subdivision of land to which this Act applies and which is in a certification area shall be registered unless the title of the owner of the land has been certified under this Act or unless the owner has derived title through a previous owner whose title to the land was certified under this Act not more than five years before the date of registration of the plan. Conditions
precedent
to registra-
tion of plan

3. This Act comes into force on the day it receives Royal Assent. Commence-
ment

4. This Act may be cited as *The Certification of Titles Amendment Act, 1965*. Short title

An Act to amend
The Certification of Titles Act

1st Reading

January 22nd, 1965

2nd Reading

February 1st, 1965

3rd Reading

April 2nd, 1965

MR. WISHART

BILL 3

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The County Judges Act

MR. WISHART

EXPLANATORY NOTE

The amendment authorizes the appointment of an additional junior judge in Middlesex County.

BILL 3

1965

An Act to amend The County Judges Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 2 of *The County Judges Act* ^{R.S.O. 1960, c. 77, s. 2, subs. 1, amended} is amended by striking out “Middlesex” in the second line, so that the subsection shall read as follows:

(1) A junior judge may be appointed for the county ^{Junior judges} court of each of the counties of Carleton, Essex and Welland and for the district court of each of the districts of Sudbury and Thunder Bay.

(2) Subsection 2 of the said section 2 is amended by striking ^{R.S.O. 1960, c. 77, s. 2, subs. 2, amended} out “the county of Wentworth” in the second line and inserting in lieu thereof “each of the counties of Middlesex and Wentworth”, so that the subsection shall read as follows:

(2) Two junior judges may be appointed for the county ^{Idem} court of each of the counties of Middlesex and Wentworth.

2. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

3. This Act may be cited as *The County Judges Amendment Act, 1965*. ^{Short title}

An Act to amend The County Judges Act

1st Reading

January 22nd, 1965

2nd Reading

3rd Reading

MR. WISHART

BILL 3

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The County Judges Act

MR. WISHART



BILL 3

1965

An Act to amend The County Judges Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 2 of *The County Judges Act* ^{R.S.O. 1960, c. 77, s. 2, subs. 1, amended} is amended by striking out "Middlesex" in the second line, so that the subsection shall read as follows:

- (1) A junior judge may be appointed for the county ^{Junior judges} court of each of the counties of Carleton, Essex and Welland and for the district court of each of the districts of Sudbury and Thunder Bay.

(2) Subsection 2 of the said section 2 is amended by striking ^{R.S.O. 1960, c. 77, s. 2, subs. 2, amended} out "the county of Wentworth" in the second line and inserting in lieu thereof "each of the counties of Middlesex and Wentworth", so that the subsection shall read as follows:

- (2) Two junior judges may be appointed for the county ^{Idem} court of each of the counties of Middlesex and Wentworth.

2. This Act comes into force on the day it receives Royal <sup>Commence-
ment</sup> Assent.

3. This Act may be cited as *The County Judges Amendment Act, 1965*. ^{Short title}

An Act to amend The County Judges Act

1st Reading

January 22nd, 1965

2nd Reading

February 1st, 1965

3rd Reading

April 2nd, 1965

MR. WISHART

BILL 4

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Probation Act

MR. WISHART

EXPLANATORY NOTE

At present, probation officers are appointed by the Lieutenant Governor in Council. The amendment changes the appointing procedures to those under *The Public Service Act, 1961-62*.

BILL 4

1965

An Act to amend The Probation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsections 1, 2 and 3 of section 1 of *The Probation Act* are repealed and the following substituted therefor:

R.S.O. 1960,
c. 308, s. 1,
subs. 1, 2,
re-enacted;
subs. 3,
repealed

- (1) Such probation officers as are deemed necessary for the purposes of this Act shall be appointed under *The Public Service Act, 1961-62.*

Appointment
of probation
officers
1961-62,
c. 121

- (2) Every probation officer appointed in accordance with subsection 1 is a probation officer in and for the Province of Ontario and shall perform his duties in such part of Ontario as is assigned to him from time to time by the Attorney General.

Jurisdiction

(2) Subsection 4 of the said section 1 is amended by striking out "appointed under this Act" in the first line, so that the subsection shall read as follows:

R.S.O. 1960,
c. 308, s. 1,
subs. 4,
amended

- (4) A probation officer shall be deemed to be an officer of every court in the part of Ontario to which he is assigned and shall carry out the directions of the judges and magistrates presiding in such courts.

Status

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. This Act may be cited as *The Probation Amendment Act, 1965.*

Short title

An Act to amend The Probation Act

1st Reading

January 22nd, 1965

2nd Reading

3rd Reading

MR. WISHART

BILL 4

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Probation Act

MR. WISHART



BILL 4

1965

An Act to amend The Probation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsections 1, 2 and 3 of section 1 of *The Probation Act* are repealed and the following substituted therefor:

R.S.O. 1960,
c. 308, s. 1,
subss. 1, 2,
re-enacted;
subs. 3,
repealed

- (1) Such probation officers as are deemed necessary for the purposes of this Act shall be appointed under *The Public Service Act, 1961-62*.

Appointment
of probation
officers
1961-62,
c. 121

- (2) Every probation officer appointed in accordance with subsection 1 is a probation officer in and for the Province of Ontario and shall perform his duties in such part of Ontario as is assigned to him from time to time by the Attorney General.

Jurisdiction

(2) Subsection 4 of the said section 1 is amended by striking out "appointed under this Act" in the first line, so that the subsection shall read as follows:

R.S.O. 1960,
c. 308, s. 1,
subs. 4,
amended

- (4) A probation officer shall be deemed to be an officer of every court in the part of Ontario to which he is assigned and shall carry out the directions of the judges and magistrates presiding in such courts.

Status

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. This Act may be cited as *The Probation Amendment Act, 1965*.

Short title

An Act to amend The Probation Act

1st Reading

January 22nd, 1965

2nd Reading

February 1st, 1965

3rd Reading

April 2nd, 1965

MR. WISHART

BILL 5

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Mortgages Act

MR. WISHART

EXPLANATORY NOTE

The intent is clarified.

BILL 5

1965

An Act to amend The Mortgages Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 29 of *The Mortgages Act*, as enacted by section 5 of *The Mortgages Amendment Act, 1964*, is amended by striking out "the persons subject to whose rights the mortgaged property is being sold" in the fifth, sixth and seventh lines and inserting in lieu thereof "any other persons subject to whose rights the mortgagee proposes to sell the mortgaged property", so that the subsection, exclusive of the paragraphs, shall read as follows:

R.S.O. 1960,
c. 245, s. 29
(1964, c. 64,
s. 5), subs. 1,
amended

- (1) A mortgagee shall not exercise a power of sale unless a notice of exercising the power of sale (Form 1) has been given by him to the following persons, other than the persons having an interest in the mortgaged property prior to that of the mortgagee and any other persons subject to whose rights the mortgagee proposes to sell the mortgaged property:

Notice of
power of
sale

.

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. This Act may be cited as *The Mortgages Amendment Act, 1965*.

Short title

An Act to amend The Mortgages Act

1st Reading

January 22nd, 1965

2nd Reading

3rd Reading

MR. WISHART

BILL 5

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Mortgages Act

MR. WISHART



BILL 5

1965

An Act to amend The Mortgages Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 29 of *The Mortgages Act*, as enacted by section 5 of *The Mortgages Amendment Act, 1964*, is amended by striking out "the persons subject to whose rights the mortgaged property is being sold" in the fifth, sixth and seventh lines and inserting in lieu thereof "any other persons subject to whose rights the mortgagee proposes to sell the mortgaged property", so that the subsection, exclusive of the paragraphs, shall read as follows:

R.S.O. 1960,
c. 245, s. 29
(1964, c. 64,
s. 5), subs. 1,
amended

- (1) A mortgagee shall not exercise a power of sale unless a notice of exercising the power of sale (Form 1) has been given by him to the following persons, other than the persons having an interest in the mortgaged property prior to that of the mortgagee and any other persons subject to whose rights the mortgagee proposes to sell the mortgaged property:

Notice of
power of
sale

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. This Act may be cited as *The Mortgages Amendment Act, 1965*.

Short title

An Act to amend The Mortgages Act

1st Reading

January 22nd, 1965

2nd Reading

February 1st, 1965

3rd Reading

April 2nd, 1965

MR. WISHART

BILL 6

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Used Car Dealers Act, 1964

MR. WISHART

EXPLANATORY NOTES

SECTION 1. Self-explanatory.

SECTION 2. The amendment authorizes the control of contracts by regulation.

BILL 6

1965

**An Act to amend
The Used Car Dealers Act, 1964**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Used Car Dealers Act, 1964* is amended by adding <sup>1964, c. 121,
amended</sup> thereto the following section:

18a. Where in the opinion of the Registrar any person <sup>False
advertising</sup> registered under this Act is making false, misleading or deceptive statements in any advertisement, circular, pamphlet or similar material, the Registrar may order the immediate cessation of the use of such material.

2. Section 21 of *The Used Car Dealers Act, 1964* is amended <sup>1964, c. 121,
s. 21,
amended</sup> by adding thereto the following clause:

(ga) governing contracts for the sale and purchase of used cars.

3. This Act comes into force on the day it receives Royal <sup>Commence-
ment</sup> Assent.

4. This Act may be cited as *The Used Car Dealers Amend-^{Short title}ment Act, 1965*.

An Act to amend
The Used Car Dealers Act, 1964

1st Reading

January 22nd, 1965

2nd Reading

3rd Reading

MR. WISHART

BILL 6

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Used Car Dealers Act, 1964

MR. WISHART

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTES

SECTION 1. Self-explanatory.

SECTION 2. The amendment authorizes the control of contracts by regulation.

BILL 6

1965

An Act to amend The Used Car Dealers Act, 1964

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Used Car Dealers Act, 1964* is amended by adding <sup>1964, c. 121,
amended</sup> thereto the following section:

18a. Where in the opinion of the Registrar any person <sup>False
advertising</sup> registered under this Act is making false, misleading or deceptive statements in any advertisement, circular, pamphlet or similar material, the Registrar may order the immediate cessation of the use of such material, and any such order shall be reviewable under the appeal provisions of section 16 and subsequent sections hereof.

2. Section 21 of *The Used Car Dealers Act, 1964* is amended <sup>1964, c. 121,
s. 21,
amended</sup> by adding thereto the following clause:

(ga) governing contracts for the sale and purchase of used cars.

3. This Act comes into force on the day it receives Royal <sup>Commence-
ment</sup> Assent.

4. This Act may be cited as *The Used Car Dealers Amend- ^{Short title}ment Act, 1965.*

An Act to amend
The Used Car Dealers Act, 1964

1st Reading

January 22nd, 1965

2nd Reading

February 1st, 1965

3rd Reading

MR. WISHART

(Reprinted as amended by the
Committee of the Whole House)

BILL 6

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Used Car Dealers Act, 1964

MR. WISHART

BILL 6

1965

**An Act to amend
The Used Car Dealers Act, 1964**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Used Car Dealers Act, 1964* is amended by adding <sup>1964, c. 121,
amended</sup> thereto the following section:

18a. Where in the opinion of the Registrar any person <sup>False
advertising</sup> registered under this Act is making false, misleading or deceptive statements in any advertisement, circular, pamphlet or similar material, the Registrar may order the immediate cessation of the use of such material, and any such order shall be reviewable under the appeal provisions of section 16 and subsequent sections hereof.

2. Section 21 of *The Used Car Dealers Act, 1964* is amended <sup>1964, c. 121,
s. 21,
amended</sup> by adding thereto the following clause:

(ga) governing contracts for the sale and purchase of used cars.

3. This Act comes into force on the day it receives Royal <sup>Commence-
ment</sup> Assent.

4. This Act may be cited as *The Used Car Dealers Amend-^{Short title}ment Act, 1965*.

An Act to amend
The Used Car Dealers Act, 1964

1st Reading

January 22nd, 1965

2nd Reading

February 1st, 1965

3rd Reading

April 2nd, 1965

MR. WISHART

BILL 7

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Archaeological and Historic Sites Protection Act

MR. AULD

EXPLANATORY NOTE

The maximum number of members of the Minister's advisory board is increased from nine to twelve.

BILL 7

1965

**An Act to amend
The Archaeological and Historic Sites
Protection Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 9 of *The Archaeological and Historic Sites Protection Act* is amended by striking out "nine" in the second line and inserting in lieu thereof "twelve", so that the subsection shall read as follows: R.S.O. 1960,
c. 19, s. 9,
subs. 1,
amended

(1) The Minister may establish an advisory board, Advisory
board consisting of not more than twelve members, to advise him upon all matters to which this Act refers.

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Archaeological and Historic Sites Protection Amendment Act, 1965*. Short title

An Act to amend The Archaeological and
Historic Sites Protection Act

1st Reading

January 26th, 1965

2nd Reading

3rd Reading

MR. AULD

BILL 7

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Archaeological and Historic Sites Protection Act

MR. AULD



BILL 7

1965

**An Act to amend
The Archaeological and Historic Sites
Protection Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 9 of *The Archaeological and Historic Sites Protection Act* is amended by striking out "nine" in the second line and inserting in lieu thereof "twelve", so that the subsection shall read as follows: R.S.O. 1960,
c. 19, s. 9,
subs. 1,
amended

(1) The Minister may establish an advisory board, consisting of not more than twelve members, to advise him upon all matters to which this Act refers. Advisory
board

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Archaeological and Historic Sites Protection Amendment Act, 1965*. Short title

An Act to amend The Archaeological and
Historic Sites Protection Act

1st Reading

January 26th, 1965

2nd Reading

February 10th, 1965

3rd Reading

April 2nd, 1965

MR. AULD

BILL 8

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Highway Improvement Act

MR. MACNAUGHTON

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

EXPLANATORY NOTES

SECTION 1. The amendments contained in this section are designed to clarify the authority of the Department to erect snow fences adjacent to the King's Highway. Municipalities have a similar power under *The Snow Roads and Fences Act* in respect of municipal roads.

SECTION 2. This amendment corrects a typographical error.

SECTION 3. At present, subsection 1 of section 90 restricts the Minister's power to designate development roads located in municipalities other than cities, separated towns, towns and villages. The amendment adds towns and villages in territorial districts to the types of municipalities in which the Minister may designate development roads.

BILL 8

1965

An Act to amend The Highway Improvement Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 30 of *The Highway Improvement Act* is amended R.S.O. 1960,
c. 171, s. 30,
amended by adding thereto the following subsections:

(8) The Minister or any person authorized by him may Snow
fences enter upon any land adjacent to the King's Highway without the consent of the owner and may erect and maintain snow fences thereon subject to payment for such damage as is suffered by the owner of the land so entered upon, and the amount thereof, if not agreed upon, shall be determined in the manner provided by section 11.

(9) Any person who hinders or interferes with the erection of snow fences under subsection 8, or who, without lawful authority, takes down, removes or otherwise interferes with snow fences that have been erected under that subsection, is guilty of an offence Offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$50.

2. Subsection 2 of section 42 of *The Highway Improvement Act* is amended by striking out "hereof" in the fifth line and inserting in lieu thereof "thereof". R.S.O. 1960,
c. 171, s. 42,
subs. 2,
amended

3. Subsection 1 of section 90 of *The Highway Improvement Act* is amended by striking out "municipality, other than a city, separated town, town or village" in the third and fourth lines and inserting in lieu thereof "town or village in a territorial district or of a county or of a township", so that the subsection shall read as follows: R.S.O. 1960,
c. 171, s. 90,
subs. 1,
amended

(1) The Minister may designate as a development road Designation
of develop-
ment roads a road or proposed road under the jurisdiction and control of a town or village in a territorial district

or of a county or of a township which because of the requirements of traffic he considers should be constructed, improved or maintained to a higher standard than is reasonable having regard to the economic situation of the municipality.

R.S.O. 1960,
c. 171, s. 94a
(1964, c. 37,
s. 6),
subs. 2,
re-enacted

4. Subsection 2 of section 94a of *The Highway Improvement Act*, as enacted by section 6 of *The Highway Improvement Amendment Act, 1964*, is repealed and the following substituted therefor:

Express-
ways and
freeways

- (2) The Minister and any municipality may enter into agreement for the acquisition of land required for and for the construction, maintenance and operation of an expressway or freeway that has been or is proposed to be designated as a controlled-access road or as a controlled-access highway under this Act, and any land acquired by a municipality under such an agreement shall be deemed to be land required for the purposes of the municipality.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Highway Improvement Amendment Act, 1965*.

SECTION 4. This amendment clarifies the authority of municipalities to acquire lands for expressways or highways under cost-sharing agreements with the Minister of Highways.

RECEIVED
JAN 10 1970
U.S. DEPARTMENT OF AGRICULTURE
WASHINGTON, D.C. 20250

TO: DIRECTOR, AGRICULTURAL RESEARCH SERVICE
FROM: ASSISTANT SECRETARY FOR AGRICULTURAL RESEARCH
SUBJECT: [Illegible]

1. [Illegible]
2. [Illegible]
3. [Illegible]
4. [Illegible]
5. [Illegible]
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7. [Illegible]
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16. [Illegible]
17. [Illegible]
18. [Illegible]
19. [Illegible]
20. [Illegible]

An Act to amend
The Highway Improvement Act

1st Reading

January 29th, 1965

2nd Reading

3rd Reading

MR. MACNAUGHTON

BILL 8

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Highway Improvement Act

MR. MACNAUGHTON

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER



BILL 8

1965

An Act to amend The Highway Improvement Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 30 of *The Highway Improvement Act* is amended by adding thereto the following subsections: R.S.O. 1960,
c. 171, s. 30,
amended

(8) The Minister or any person authorized by him may enter upon any land adjacent to the King's Highway without the consent of the owner and may erect and maintain snow fences thereon subject to payment for such damage as is suffered by the owner of the land so entered upon, and the amount thereof, if not agreed upon, shall be determined in the manner provided by section 11. Snow
fences

(9) Any person who hinders or interferes with the erection of snow fences under subsection 8, or who, without lawful authority, takes down, removes or otherwise interferes with snow fences that have been erected under that subsection, is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$50. Offence

2. Subsection 2 of section 42 of *The Highway Improvement Act* is amended by striking out "hereof" in the fifth line and inserting in lieu thereof "thereof". R.S.O. 1960,
c. 171, s. 42,
subs. 2,
amended

3. Subsection 1 of section 90 of *The Highway Improvement Act* is amended by striking out "municipality, other than a city, separated town, town or village" in the third and fourth lines and inserting in lieu thereof "town or village in a territorial district or of a county or of a township", so that the subsection shall read as follows: R.S.O. 1960,
c. 171, s. 90,
subs. 1,
amended

(1) The Minister may designate as a development road a road or proposed road under the jurisdiction and control of a town or village in a territorial district Designation
of develop-
ment roads

or of a county or of a township which because of the requirements of traffic he considers should be constructed, improved or maintained to a higher standard than is reasonable having regard to the economic situation of the municipality.

R.S.O. 1960,
c. 171, s. 94a
(1964, c. 37,
s. 6),
subs. 2,
re-enacted

4. Subsection 2 of section 94a of *The Highway Improvement Act*, as enacted by section 6 of *The Highway Improvement Amendment Act, 1964*, is repealed and the following substituted therefor:

Express-
ways and
freeways

- (2) The Minister and any municipality may enter into agreement for the acquisition of land required for and for the construction, maintenance and operation of an expressway or freeway that has been or is proposed to be designated as a controlled-access road or as a controlled-access highway under this Act, and any land acquired by a municipality under such an agreement shall be deemed to be land required for the purposes of the municipality.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Highway Improvement Amendment Act, 1965*.



An Act to amend
The Highway Improvement Act

1st Reading

January 29th, 1965

2nd Reading

February 11th, 1965

3rd Reading

April 2nd, 1965

MR. MACNAUGHTON

BILL 9

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Ontario Human Rights Code, 1961-62

MR. DAVISON

EXPLANATORY NOTE

The purpose of the amendments is to prevent discrimination in employment because of age, except within the limits set out in the provision added by subsection 2 of section 1 of the Bill.

BILL 9

1965

An Act to amend The Ontario Human Rights Code, 1961-62

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 4 of *The Ontario Human Rights Code, 1961-62* is amended by inserting after "his" in the fifth line "age", so that the subsection shall read as follows: 1961-62,
c. 93, s. 4,
subs. 1,
amended

(1) No employer or person acting on behalf of an employer shall refuse to employ or to continue to employ any person or discriminate against any person with regard to employment or any term or condition of employment because of his age, race, creed, colour, nationality, ancestry or place of origin. Employers
not to
discriminate
in employ-
ment
practices

(2) The said section 4 is amended by adding thereto the following subsection: 1961-62,
c. 93, s. 4,
amended

(1a) Nothing in subsection 1 prevents an employer from refusing to employ or to continue to employ a person who is physically incapable of performing the work required or from retiring an employee under a *bona fide* retirement scheme or policy or from varying insurance or pension coverage according to an employee's age. Exceptions

(3) Subsection 2 of the said section 4 is amended by inserting after "of" in the third line "age", so that the subsection shall read as follows: 1961-62,
c. 93, s. 4,
subs. 2,
amended

(2) No trade union shall exclude from membership or expel or suspend any person or member or discriminate against any person or member because of age, race, creed, colour, nationality, ancestry or place of origin. Membership
in trade
union

1961-62,
c. 93, s. 4,
subs. 3,
amended

(4) Subsection 3 of the said section 4 is amended by inserting after "the" in the fifth line "age" and by inserting after "concerning" in the eighth line "age", so that the subsection shall read as follows:

Employment
applications
and ad-
vertisements
not to
discriminate

(3) No person shall use or circulate any form of application for employment or publish any advertisement in connection with employment or prospective employment or make any written or oral inquiry that expresses either directly or indirectly any limitation, specification or preference as to the age, race, creed, colour, nationality, ancestry or place of origin of any person or that requires an applicant to furnish any information concerning age, race, creed, colour, nationality, ancestry or place of origin.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Ontario Human Rights Code Amendment Act, 1965*.



An Act to amend
The Ontario Human Rights Code, 1961-62

1st Reading

February 1st, 1965

2nd Reading

3rd Reading

MR. DAVISON

BILL 10

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Hours of Work and Vacations with Pay Act

MR. FREEMAN

EXPLANATORY NOTE

The Bill: (1) reduces the maximum working week from forty-eight hours to forty hours; (2) ensures that the reduction in hours does not affect the wages now earned in a maximum working week; the Industry and Labour Board is authorized to provide for a gradual transition; and (3) provides for time and one-half for overtime work.

BILL 10 1965

**An Act to amend The Hours of Work
and Vacations with Pay Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 2 of *The Hours of Work and Vacations with Pay Act* is amended by striking out "forty-eight" in the third line and inserting in lieu thereof "forty", so that the subsection shall read as follows: R.S.O. 1960,
c. 181, s. 2,
subs. 1,
amended

(1) Subject to this Act, the working hours of an employee in an industrial undertaking shall not exceed eight in the day and forty in the week. Limitation
of hours
of work

2. *The Hours of Work and Vacations with Pay Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 181,
amended

2a. Whenever an employee whose working hours are governed by this Act or the regulations does overtime work, he shall be paid therefor at a rate at least equal to one and one-half times his normal rate of pay. Overtime
pay

3.—(1) In this Act, "regular weekly working hours" means the hours regularly worked in a week by employees without payment of an overtime rate of pay. Interpre-
tation

(2) Where, immediately before this Act comes into force, the regular weekly working hours of an employee in an industrial undertaking are more than forty and the employee is paid at a rate other than an hourly or daily rate or at a rate for piece work, the employer shall not reduce the employee's rate of wages for the reason that the hours are reduced. When rate
of wages
not
affected

(3) Where, immediately before this Act comes into force, the regular weekly working hours of an employee in an industrial undertaking are more than forty and the employee is When rate
of wages
converted

paid at an hourly or daily rate or at a rate for piece work, the employer shall increase the rate by the same proportion as the number of regular weekly working hours bears to 40.

Board may
provide for
transition

4. Where the regular weekly working hours in an industrial undertaking or branch thereof are more than forty and the Board is satisfied that the coming into force of section 1 would work undue hardship, the Board may, by order, authorize a progressive reduction of the regular weekly working hours in the industrial undertaking or branch thereof upon such terms and conditions as the Board deems advisable, but subsection 1 of section 2 of *The Hours of Work and Vacations with Pay Act*, as amended by section 1, shall be fully complied with not later than the 1st day of July, 1966.

R.S.O. 1960,
c. 181

Commence-
ment

5. This Act comes into force on the 1st day of July, 1965.

Short title.

6. This Act may be cited as *The Hours of Work and Vacations with Pay Amendment Act, 1965*.



An Act to amend The Hours of
Work and Vacations with Pay Act

1st Reading

February 1st, 1965

2nd Reading

3rd Reading

MR. FREEMAN

BILL 11

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Hours of Work and Vacations with Pay Act

MR. GISBORN

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

EXPLANATORY NOTE

The purpose of this Bill is to increase the mandatory vacation with pay period from one week a year to two weeks a year during the first four years on the job and to three weeks a year thereafter.

BILL 11

1965

An Act to amend The Hours of Work and Vacations with Pay Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 2, 3 and 4 of section 2 of *The Hours of Work and Vacations with Pay Act* are repealed and the following substituted therefor: R.S.O. 1960,
c. 181, s. 2,
subss. 2-4,
re-enacted

(2) Every employee in an industrial undertaking is entitled, Vacation
with pay

(a) after each year of his employment with any one employer, during the first five years of such employment, to a vacation of at least two weeks with pay;

(b) after each year of his employment with any one employer, after the first five years of such employment, to a vacation of at least three weeks with pay.

(3) The vacation pay shall be the average wage of the employee during the year immediately preceding the date upon which the vacation commences for the period of the vacation. Calculation
of vacation
pay

(4) The employer may determine the period when the employee may take the vacation provided for in subsection 1, but the period shall not be later than ten months after the end of the work year to which the vacation relates. When
vacation
to be
taken

(5) Subject to subsection 4, where an employee who is entitled to a vacation of two weeks wishes to take his vacation, Vacation
pay, when
payable

- (a) in one period of two weeks, his vacation pay shall be paid to him in full by his employer during the fourteen days immediately preceding the commencement of his vacation; or
- (b) in two periods of one week each, one-half of his vacation pay shall be paid to him by his employer during the fourteen days immediately preceding the commencement of each of the two periods.

Idem

- (6) Subject to subsection 4, where an employee who is entitled to a vacation of three weeks wishes to take his vacation,

- (a) in one period of three weeks, his vacation pay shall be paid to him by his employer during the fourteen days immediately preceding the commencement of his vacation;

- (b) in one period of two weeks and one period of one week,

- (i) two-thirds of his vacation pay shall be paid to him by his employer during the fourteen days immediately preceding the commencement of the period of two weeks, and

- (ii) one-third of his vacation pay shall be paid to him by his employer during the fourteen days immediately preceding the commencement of the period of one week;

- (c) in three periods of one week each, one-third of his vacation pay shall be paid to him by his employer during the fourteen days immediately preceding the commencement of each of the three periods; or

- (d) in two periods of more than one week but less than two weeks each, the sum that bears the same proportion to his vacation pay as the number of days comprising the period bears to twenty-one shall be paid to him by his employer during the fourteen days immediately preceding the commencement of the period to which the pay relates.

2. This Act comes into force on the day it receives Royal ^{Commence-}Assent.
^{ment}

3. This Act may be cited as *The Hours of Work and Vaca-* ^{Short title}
tions with Pay Amendment Act, 1965.

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An Act to amend The Hours of Work
and Vacations with Pay Act

1st Reading

February 2nd, 1965

2nd Reading

3rd Reading

MR. GISBORN

BILL 12

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Dead Animal Disposal Act

MR. STEWART

EXPLANATORY NOTE

The Bill puts the administration of *The Dead Animal Disposal Act* under the Director of the Veterinary Services Branch of the Department of Agriculture who will also be responsible for *The Brucellosis Act*, *The Live Stock Community Sales Act* and *The Meat Inspection Act (Ontario)*, 1962-63.

BILL 12

1965

An Act to amend The Dead Animal Disposal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *b* of section 1 of *The Dead Animal Disposal Act* is repealed. R.S.O. 1960,
c. 88, s. 1,
cl. b,
repealed

(2) The said section 1 is amended by adding thereto the following clause: R.S.O. 1960,
c. 88, s. 1,
amended

(ca) "Director" means the Director of the Veterinary Services Branch of the Department of Agriculture.

2.—(1) Subsection 1 of section 5 of *The Dead Animal Disposal Act* is amended by striking out "Commissioner" in the third line and inserting in lieu thereof "Director". R.S.O. 1960,
c. 88, s. 5,
subs. 1,
amended

(2) Subsection 2 of the said section 5, as enacted by section 3 of *The Dead Animal Disposal Amendment Act, 1961-62*, is amended by striking out "Commissioner" in the first line and inserting in lieu thereof "Director". R.S.O. 1960,
c. 88, s. 5,
subs. 2,
(1961-62),
c. 28, s. 3),
amended

(3) Subsection 3 of the said section 5, as enacted by section 3 of *The Dead Animal Disposal Amendment Act, 1961-62*, is amended by striking out "Commissioner" in the first line and in the third line and inserting in lieu thereof in each instance "Director". R.S.O. 1960,
c. 88, s. 5,
subs. 3,
(1961-62),
c. 28, s. 3),
amended

3. Subsection 3 of section 8 of *The Dead Animal Disposal Act* is amended by striking out "Commissioner" in the first line and inserting in lieu thereof "Director". R.S.O. 1960,
c. 88, s. 8,
subs. 3,
amended

4. This Act comes into force on the day it receives Royal Assent. Commence-
ment

5. This Act may be cited as *The Dead Animal Disposal Amendment Act, 1965*. Short title

An Act to amend
The Dead Animal Disposal Act

1st Reading

February 4th, 1965

2nd Reading

3rd Reading

MR. STEWART

BILL 12

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Dead Animal Disposal Act

MR. STEWART

Received of the Treasurer of the University of Chicago

\$

1917

For the purchase of the book (with license for the use of the book)

\$

1917

1917

Received of the Treasurer of the University of Chicago

BILL 12

1965

An Act to amend The Dead Animal Disposal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *b* of section 1 of *The Dead Animal Disposal Act* is repealed. R.S.O. 1960,
c. 88, s. 1,
cl. b,
repealed

(2) The said section 1 is amended by adding thereto the following clause:— R.S.O. 1960,
c. 88, s. 1,
amended

(ca) “Director” means the Director of the Veterinary Services Branch of the Department of Agriculture.

2.—(1) Subsection 1 of section 5 of *The Dead Animal Disposal Act* is amended by striking out “Commissioner” in the third line and inserting in lieu thereof “Director”. R.S.O. 1960,
c. 88, s. 5,
subs. 1,
amended

(2) Subsection 2 of the said section 5, as enacted by section 3 of *The Dead Animal Disposal Amendment Act, 1961-62*, is amended by striking out “Commissioner” in the first line and inserting in lieu thereof “Director”. R.S.O. 1960,
c. 88, s. 5,
subs. 2
(1961-62),
c. 28, s. 3,
amended

(3) Subsection 3 of the said section 5, as enacted by section 3 of *The Dead Animal Disposal Amendment Act, 1961-62*, is amended by striking out “Commissioner” in the first line and in the third line and inserting in lieu thereof in each instance “Director”. R.S.O. 1960,
c. 88, s. 5,
subs. 3
(1961-62),
c. 28, s. 3,
amended

3. Subsection 3 of section 8 of *The Dead Animal Disposal Act* is amended by striking out “Commissioner” in the first line and inserting in lieu thereof “Director”. R.S.O. 1960,
c. 88, s. 8,
subs. 3,
amended

4. This Act comes into force on the day it receives Royal Assent. Commence-
ment

5. This Act may be cited as *The Dead Animal Disposal Amendment Act, 1965*. Short title

An Act to amend
The Dead Animal Disposal Act

1st Reading

February 4th, 1965

2nd Reading

February 10th, 1965

3rd Reading

April 2nd, 1965

Mr. STEWART

BILL 13

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Anatomy Act

MR. WISHART

EXPLANATORY NOTES

SECTIONS 1 and 2. The purpose of the amendments is to ensure that the coroner is informed of all bodies donated for anatomical dissection.

SECTION 3. The \$80 bond posted by schools of anatomy to secure the cost of interring dissected bodies is deleted, and provision is made for notice of interment to interested persons.

BILL 13 *an act to amend the anatomy act* **1965**

An Act to amend The Anatomy Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Anatomy Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 14,
amended

3a. A school that receives a body for the purpose of anatomical dissection, other than a body that the person is qualified to receive under section 5, shall immediately notify the local inspector of anatomy and shall not begin a dissection of the body until the local inspector of anatomy has certified in writing that he has obtained such particulars of the body as he requires. Donated
bodies

2. Clause *a* of section 7 of *The Anatomy Act* is amended by striking out "unclaimed" in the third line, so that the clause shall read as follows: R.S.O. 1960,
c. 14, s. 7,
cl. a,
amended

(a) keep a register showing the name, age, sex, birth-place and religious denomination of every person whose body has been received by him, and the name of the school to which the body was delivered, with the date of delivery.

3. Section 13 of *The Anatomy Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 14, s. 13,
re-enacted

13. A school receiving a body under this Act shall ensure that the body is given a decent interment at the expense of the school after it has served the purpose for which it was received, and before interring a body the school shall give notice of the interment to the general inspector of anatomy and, in the case of a donated body, to the person who donated the body. Interment

R.S.O. 1960,
c. 14, s. 14,
amended

4. Section 14 of *The Anatomy Act* is amended by striking out "\$20" in the fifth line and inserting in lieu thereof "\$2,000 or to imprisonment for a term of not more than one year, or to both", so that the section shall read as follows:

Neglect of
duty under
Act and
contraven-
tion of Act,
general
penalty

14. Every person who neglects to discharge the duties imposed upon him by this Act or any regulation made thereunder, or who contravenes any provision thereof, is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

R.S.O. 1960,
c. 14, s. 15,
amended

5. Section 15 of *The Anatomy Act* is amended by striking out "\$100" in the fourth line and inserting in lieu thereof "not more than \$2,000 or to imprisonment for a term of not more than one year, or to both", so that the section shall read as follows:

Removal of
bodies from
Ontario,
penalty

15. No person shall send or take a dead body out of Ontario for surgical or practical anatomical purposes, and every person who contravenes this section is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

Commence-
ment

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. This Act may be cited as *The Anatomy Amendment Act, 1965*.

SECTION 4. The present penalty of a \$20 maximum fine has been unchanged since 1885.

SECTION 5. The present penalty of a \$100 fine has been unchanged since 1885.



An Act to amend The Anatomy Act

1st Reading

February 4th, 1965

2nd Reading

3rd Reading

MR. WISHART

BILL 13

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Anatomy Act

MR. WISHART



BILL 13

1965

An Act to amend The Anatomy Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Anatomy Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 14,
amended

3a. A school that receives a body for the purpose of anatomical dissection, other than a body that the person is qualified to receive under section 5, shall immediately notify the local inspector of anatomy and shall not begin a dissection of the body until the local inspector of anatomy has certified in writing that he has obtained such particulars of the body as he requires. Donated
bodies

2. Clause *a* of section 7 of *The Anatomy Act* is amended by striking out "unclaimed" in the third line, so that the clause shall read as follows: R.S.O. 1960,
c. 14, s. 7,
cl. a,
amended

(a) keep a register showing the name, age, sex, birth-place and religious denomination of every person whose body has been received by him, and the name of the school to which the body was delivered, with the date of delivery.

3. Section 13 of *The Anatomy Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 14, s. 13,
re-enacted

13. A school receiving a body under this Act shall ensure that the body is given a decent interment at the expense of the school after it has served the purpose for which it was received, and before interring a body the school shall give notice of the interment to the general inspector of anatomy and, in the case of a donated body, to the person who donated the body. Interment

R.S.O. 1960,
c. 14, s. 14,
amended

4. Section 14 of *The Anatomy Act* is amended by striking out "\$20" in the fifth line and inserting in lieu thereof "\$2,000 or to imprisonment for a term of not more than one year, or to both", so that the section shall read as follows:

Neglect of
duty under
Act and
contraven-
tion of Act,
general
penalty

14. Every person who neglects to discharge the duties imposed upon him by this Act or any regulation made thereunder, or who contravenes any provision thereof, is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

R.S.O. 1960,
c. 14, s. 15,
amended

5. Section 15 of *The Anatomy Act* is amended by striking out "\$100" in the fourth line and inserting in lieu thereof "not more than \$2,000 or to imprisonment for a term of not more than one year, or to both", so that the section shall read as follows:

Removal of
bodies from
Ontario,
penalty

15. No person shall send or take a dead body out of Ontario for surgical or practical anatomical purposes, and every person who contravenes this section is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

Commence-
ment

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. This Act may be cited as *The Anatomy Amendment Act, 1965*.



An Act to amend The Anatomy Act

1st Reading

February 4th, 1965

2nd Reading

February 10th, 1965

3rd Reading

April 2nd, 1965

MR. WISHART

BILL 14

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Arbitrations Act

MR. WISHART

EXPLANATORY NOTE

The purpose of this Bill is to bring the Schedule of Fees into line with present-day standards.

BILL 14

1965

An Act to amend The Arbitrations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Schedule B to *The Arbitrations Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 18,
Sched. B,
re-enacted

SCHEDULE B

(Sections 18 and 22)

FEES CHARGEABLE BY ARBITRATORS

1. For every meeting where the reference is not proceeded with, but a postponement is made at the request of any party,

not less than.....	\$ 20
nor more than.....	40
2. For every day's sittings, to consist of not less than six hours,

not less than.....	50
nor more than.....	100
3. Where a day's sittings consists of more than six hours, for each additional hour,

not less than.....	10
nor more than.....	15
4. For every sittings not extended to six hours (fractional parts of hours being excluded) where the reference is actually proceeded with, for each hour occupied,

not less than.....	10
nor more than.....	15

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. This Act may be cited as *The Arbitrations Amendment Act, 1965*.

Short title

An Act to amend The Arbitrations Act

1st Reading

February 4th, 1965

2nd Reading

3rd Reading

MR. WISHART

BILL 14

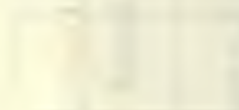
**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Arbitrations Act

MR. WISHART

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BILL 14

1965

An Act to amend The Arbitrations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Schedule B to *The Arbitrations Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 18,
Sched. B,
re-enacted

SCHEDULE B

(Sections 18 and 22)

FEES CHARGEABLE BY ARBITRATORS

- | | |
|--|-------|
| 1. For every meeting where the reference is not proceeded with, but a postponement is made at the request of any party, | |
| not less than | \$ 20 |
| nor more than | 40 |
| 2. For every day's sittings, to consist of not less than six hours, | |
| not less than | 50 |
| nor more than | 100 |
| 3. Where a day's sittings consists of more than six hours, for each additional hour, | |
| not less than | 10 |
| nor more than | 15 |
| 4. For every sittings not extended to six hours (fractional parts of hours being excluded) where the reference is actually proceeded with, for each hour occupied, | |
| not less than | 10 |
| nor more than | 15 |

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Arbitrations Amendment Act, 1965*. Short title

An Act to amend The Arbitrations Act

1st Reading

February 4th, 1965

2nd Reading

February 10th, 1965

3rd Reading

April 2nd, 1965

Mr. WISHART

BILL 15

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Public Health Act

MR. LEWIS (Scarborough West)

EXPLANATORY NOTE

The Bill requires tests of new-born infants for phenylketonuria (PKU) and provides for the recording of results.

BILL 15

1965

An Act to amend The Public Health Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Public Health Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 321, }
amended

- 81.—(1) In this section, “phenylketonuria” means a metabolic disorder which causes a chemical imbalance in the blood sufficient to result in permanent damage to the brain or mental retardation, commonly known as phenylketonuria or PKU. Interpre-
tation
- (2) The parent of a new-born infant shall cause a test for the presence of phenylketonuria to be administered to the child by a duly qualified medical practitioner before the child attains the age of twenty-eight days. Phenylke-
tonuria
tests
- (3) The Minister, with the approval of the Lieutenant Governor in Council, may make regulations prescribing the manner in which phenylketonuria tests shall be administered and requiring the recording of the results of such tests in the manner prescribed. Regulations

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Public Health Amendment Act, 1965*. Short title

An Act to amend The Public Health Act

1st Reading

February 4th, 1965

2nd Reading

3rd Reading

MR. LEWIS (Scarborough West)

BILL 16

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Ontario Human Rights Code, 1961-62

MR. MACDONALD

EXPLANATORY NOTE

At present, the prohibition against discrimination in respect of accommodation applies to apartments in buildings containing more than six self-contained dwelling units. The purpose of the Bill is to extend the prohibition to apartments in a building containing two or more self-contained dwelling units.

BILL 16

1965

**An Act to amend
The Ontario Human Rights Code, 1961-62**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *a* of section 3 of *The Ontario Human Rights Code, 1961-62* is amended by striking out “more than six” in the second and third lines and inserting in lieu thereof “two or more”, so that the clause shall read as follows: ^{1961-62, c. 93, s. 3, cl. a, amended}

- (a) deny to any person or class of persons occupancy of any apartment in any building that contains two or more self-contained dwelling units.

(2) Clause *b* of the said section 3 is amended by striking out “more than six” in the third and fourth lines and inserting in lieu thereof “two or more”, so that the clause shall read as follows: ^{1961-62, c. 93, s. 3, cl. b, amended}

- (b) discriminate against any person or class of persons with respect to any term or condition of occupancy of any apartment in any building that contains two or more self-contained dwelling units.

2. This Act comes into force on the day it receives Royal Assent. ^{Commence-ment}

3. This Act may be cited as *The Ontario Human Rights Code Amendment Act, 1965*. ^{Short title}

An Act to amend The Ontario
Human Rights Code, 1961-62

1st Reading

February 5th, 1965

2nd Reading

3rd Reading

MR. MACDONALD

BILL 17

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Trench Excavators' Protection Act

MR. ROWNTREE

EXPLANATORY NOTES

SECTION 1. Administrative experience indicates that these new definitions will be helpful.

SECTION 2. Self-explanatory.

SECTION 3. The intent is clarified.

BILL 17 passed 1960, amended 1960, re-enacted 1960, re-enacted 1960 1965

An Act to amend The Trench Excavators' Protection Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Trench Excavators' Protection Act* is R.S.O. 1960, c. 407, s. 1, amended amended by relettering clause *a* as clause *ad* and by adding thereto the following clauses:

- (a) "chief officer" means the officer of the Department of Labour designated by the Deputy Minister of Labour as chief officer for the purposes of this Act;
- (ab) "constructor" means a person who contracts with an owner for the work on a trench, and includes an owner who undertakes the work on a trench;
- (ac) "depth" means the vertical dimension from the highest point of an excavation to a point level with the lowest point of the excavation;
- (ae) "owner" means the person for whose benefit a trench is to be excavated.

2. *The Trench Excavators' Protection Act* is amended by R.S.O. 1960, c. 407, amended adding thereto the following section:

- 1a. Subject to section 2, this Act and the regulations Where Act applies apply to every trench, including any trench of the Crown or of any agency of the Crown or of any municipality as defined in *The Department of Municipal Affairs Act*. R.S.O. 1960, c. 98

3. Clause *g* of section 2 of *The Trench Excavators' Protection Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 407, s. 2, cl. g, re-enacted

R.S.O. 1960,
c. 97

- (g) to a shaft, tunnel, caisson or coffer dam to which any regulation under subsection 1 of section 10 of *The Department of Labour Act*, as amended or remade from time to time, applies.

R.S.O. 1960,
c. 407, s. 3,
subs. 2,
re-enacted

4. Subsection 2 of section 3 of *The Trench Excavators' Protection Act* is repealed and the following substituted therefor:

Provincial
inspectors

- (2) There shall be one or more provincial inspectors who shall,
- (a) instruct, advise and assist municipal inspectors in carrying out their duties under this Act; and
 - (b) enforce this Act and the regulations in territory without municipal organization.

R.S.O. 1960,
c. 407,
amended

5. *The Trench Excavators' Protection Act* is amended by adding thereto the following section:

Certificate
of appoint-
ment

- 3a.—(1) There shall be issued to every inspector a certificate of appointment signed by the clerk of the municipality or the Deputy Minister, as the case may be.

Production
of
certificate

- (2) When carrying out any of his duties under this Act, an inspector shall produce his certificate of appointment, if such is requested.

R.S.O. 1960,
c. 407, s. 5,
subs. 1,
amended

6.—(1) Subsection 1 of section 5 of *The Trench Excavators' Protection Act* is amended by adding at the end thereof "other than such work as is necessary to carry out the order with safety", so that the subsection shall read as follows:

Order of
inspector

- (1) Where an inspector finds that any provision of this Act or the regulations is being contravened, he may give such order in writing as he thinks necessary to secure compliance therewith and, until such order is carried out, the work upon that part of the trench in which the contravention occurs shall be suspended, other than such work as is necessary to carry out the order with safety.

R.S.O. 1960,
c. 407, s. 5,
subs. 2,
amended

- (2) Subsection 2 of the said section 5 is amended by striking out "and on summary conviction is liable to a fine of not less than \$10 and not more than \$100 for every day upon which the contravention continues" in the fifth, sixth and seventh lines and inserting in lieu thereof "against this Act", so that the subsection shall read as follows:

SECTION 4. The function of provincial inspectors under the Act is restated. Clause *a* is new.

SECTION 5. Self-explanatory.

SECTION 6—Subsection 1. The intent is clarified.

Subsection 2. The penalties are being strengthened and for convenience are being transferred to section 24 of the Act. See section 18 of this Bill.

SECTIONS 7, 8, 9 and 10. Self-explanatory.

- (2) Every person to whom an order of an inspector is directed who contravenes or knowingly permits any person under his direction or control to contravene such order or to carry on work in contravention of subsection 1 is guilty of an offence against this Act.

7.—(1) Subsection 1 of section 6 of *The Trench Excavators' Protection Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 407, s. 6,
subs. 1,
re-enacted

- (1) The constructor shall before commencing work on a trench give notice in writing to an inspector appointed to enforce this Act in the jurisdiction in which the trench is to be excavated stating, Inspector
to be
notified of
proposed
trench

- (a) his name and address and the name and address of the owner of the trench;
- (b) the location of the trench;
- (c) the particulars as to the length, depth and width of the trench;
- (d) the particulars known to the constructor of the type and condition of the soil, and the location of any pipes, conduits or prior excavations in or near the trench;
- (e) the proposed date of commencing work on the trench; and
- (f) the name and address of the person who will be in charge of the work on the trench.

(2) The said section 6 is amended by adding thereto the following subsection: R.S.O. 1960,
c. 407, s. 6,
amended

- (3) Where the length of a trench to be excavated is 100 feet or more, a copy of the notice required by subsection 1 shall be given to the chief officer by the constructor before commencing work on the trench. Where chief
officer to be
notified

8. *The Trench Excavators' Protection Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 407,
amended

- 6a.—**(1) Every municipal inspector or, where there is more than one, the senior in appointment shall prepare and submit to his council a report on or before the 31st day of January of each year in respect of the previous calendar year, and such report shall contain, Annual
report of
municipal
inspector

- (a) the number of inspectors appointed by the municipality;
- (b) the number of notices received under section 6;
- (c) the total length of trenches referred to in the notices received under section 6;
- (d) the number of informations laid for offences under this Act;
- (e) the nature of such offences and the number of convictions made with respect thereto and the penalties imposed;
- (f) the number of persons fatally injured in connection with work on trenches, and the causes of such fatalities;
- (g) the number of orders made under section 5 and the number of work stoppages ordered;
- (h) such other matters as are prescribed.

Idem

- (2) Every municipal inspector who submits a report under subsection 1 shall forthwith send a copy thereof to the chief officer.

R.S.O. 1960,
c. 407, s. 7,
amended

9. Section 7 of *The Trench Excavators' Protection Act* is amended by striking out "the owner of the land in which a trench is being excavated or, if the work on the trench is being done by a contractor, it is the duty of the contractor" in the first, second and third lines and inserting in lieu thereof "a constructor", so that the lines preceding the clauses shall read as follows:

Duties of
constructor

- 7. It is the duty of a constructor,

R.S.O. 1960,
c. 407, s. 11,
subs. 1,
re-enacted

10. Subsection 1 of section 11 of *The Trench Excavators' Protection Act* is repealed and the following substituted therefor:

Explosives

- (1) The person in charge of work in connection with a trench shall ensure that only a person experienced in handling explosives shall handle, transport, prepare or use explosives in connection with such work, but a person inexperienced in handling explosives may work under the personal supervision of a person experienced in such work.

SECTIONS 11 and 12. These prohibitions are new.

SECTION 13. The intent is clarified.

SECTION 14. The requirement as to protective hats is strengthened.

11. *The Trench Excavators' Protection Act* is amended by R.S.O. 1960,
adding thereto the following section: c. 407,
amended

15a. No person shall operate a power-driven crane, ^{Power machines}
shovel, back-hoe or any similar machine in such a
way that it or any part of its load may pass over
a person in or near a trench.

12. *The Trench Excavators' Protection Act* is amended by R.S.O. 1960,
adding thereto the following section: c. 407,
amended

16a.—(1) No person shall bring any object, including the ^{Objects near power lines}
boom of a crane or its load, within eight feet of an
electric power line of more than 750 volts unless he,

(a) ensures that the electric supply is discon-
nected;

(b) ensures that the conductors are insulated; or

(c) is using a crane that is equipped,

(i) with a device to automatically warn
the operator when the boom is within
eight feet of a power line, or

(ii) with insulation to prevent any electrical
hazard to the crane operator or persons
in the vicinity.

(2) No person shall operate a power-driven crane, ^{Where signalman required}
shovel, back-hoe or any similar machine closer than
the length of the boom of the machine to a power
line of more than 750 volts unless he has a person
stationed within his view to warn him of danger
from the power line.

13. Section 18 of *The Trench Excavators' Protection Act* R.S.O. 1960,
is repealed and the following substituted therefor: c. 407, s. 18,
re-enacted

18. The person in charge of work in connection with a ^{Persons entering trenches}
trench shall ensure that no person shall enter or
remain in the trench if any of the provisions of this
Act or the regulations with respect to such trench
are not complied with.

14. Section 20 of *The Trench Excavators' Protection Act* R.S.O. 1960,
is repealed and the following substituted therefor: c. 407, s. 20,
re-enacted

20. No person shall be in or near a trench unless he is ^{Protective hats}
wearing a hat manufactured for the purpose of
protecting persons from falling objects.

R.S.O. 1960,
c. 407, s. 21,
amended

15. Section 21 of *The Trench Excavators' Protection Act* is amended by striking out "be allowed to" in the first line and by striking out "exceeding twenty feet in depth" in the second line, so that the section shall read as follows:

Solitary
workers

21. No person shall work alone in a trench unless another person is on duty outside the trench in close proximity to the part of the trench in which the other person is working.

R.S.O. 1960,
c. 407, s. 22,
amended

16. Section 22 of *The Trench Excavators' Protection Act* is amended by striking out "be allowed to" in the first and second lines, so that the section shall read as follows:

Persons
under 16

22. No person under sixteen years of age shall enter or work in a trench.

R.S.O. 1960,
c. 407,
amended

17. *The Trench Excavators' Protection Act* is amended by adding thereto the following sections:

Bodily
injury

22a.—(1) Where an accident, industrial disease, explosion or fire causes bodily injury to a person in or near a trench whereby he is prevented or is likely to be prevented for three days from working and such occurrence does not require notice to an inspector under section 22b, a notice in writing of the occurrence shall be given to the chief officer by the person's employer stating,

(a) the person's name, age and address;

(b) the location, time, nature and cause of the occurrence.

Notice

(2) Such notice shall be given within four days after the occurrence.

Idem

(3) A true copy of the notice required to be given by an employer to the Workmen's Compensation Board by section 115 of *The Workmen's Compensation Act* may be delivered or mailed to the chief officer as sufficient notice under subsection 1.

R.S.O. 1960,
c. 437

Fatal
accidents

22b.—(1) Where a workman in or near a trench is killed or is critically injured, his employer shall immediately notify an inspector by telephone, telegram or in person of the occurrence, and shall, within forty-eight hours after the occurrence, send him a written report of the circumstances of the occurrence.

SECTION 15. The prohibition is broadened.

SECTION 16. The intent is clarified.

SECTION 17. Self-explanatory.

SECTION 18. Subsection 1 of the re-enacted section 24 is unchanged.

Subsection 2 is new. It imposes an additional penalty for each day upon which there is failure to comply with a stop-work order.

- (2) An inspector who receives a notice under subsection 1 shall, ^{Notice to chief officer, etc.}

(a) immediately upon receipt thereof, notify the chief officer by telephone, telegram or in person of the occurrence mentioned in the notice;

(b) immediately upon receipt of the employer's report under subsection 1, send a copy thereof to the chief officer; and

(c) forthwith investigate the circumstances of the occurrence and, where practicable, determine the cause or causes of the occurrence, and report in writing thereon to the chief officer with his recommendations for preventing a repetition of the occurrence and, where the inspector is a municipal inspector, send a copy of the report to the council of his municipality.

- (3) Where a person in or near a trench is killed or is critically injured, no person shall, except for the purpose of, ^{Disturbance of wreckage}

(a) saving life or relieving human suffering; or

(b) maintaining an essential public utility service or a public transportation system,

interfere with, disturb, destroy, alter or carry away any wreckage, article or thing at the scene of or connected with the occurrence until permission so to do has been given by an inspector.

18. Section 24 of *The Trench Excavators' Protection Act* is repealed and the following substituted therefor: ^{R.S.O. 1960, c. 407, s. 24, re-enacted}

24.—(1) Every person who contravenes any provision of this Act or the regulations is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than twelve months, or to both. ^{Offence}

(2) Every person who is convicted of an offence against subsection 2 of section 5 is, in addition to the penalties mentioned in subsection 1, liable to a fine of not more than \$100 a day for every day upon which the contravention continued after such order was given. ^{Additional penalty}

Penalty for
corporations

(3) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed is \$5,000 and not as provided therein.

Commence-
ment

19. This Act comes into force on the day it receives Royal Assent.

Short title

20. This Act may be cited as *The Trench Excavators' Protection Amendment Act, 1965*.

Subsection 3 is also new. It provides that, where an offence under the Act is committed by a corporation, the maximum penalty is increased to \$5,000.



An Act to amend
The Trench Excavators' Protection Act

1st Reading

February 8th, 1965

2nd Reading

3rd Reading

MR. ROWNTREE

BILL 17

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Trench Excavators' Protection Act

MR. ROWNTREE

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BILL 17 1965

An Act to amend The Trench Excavators' Protection Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Trench Excavators' Protection Act* is amended by relettering clause *a* as clause *ad* and by adding thereto the following clauses: R.S.O. 1960,
c. 407, s. 1,
amended

- (a) "chief officer" means the officer of the Department of Labour designated by the Deputy Minister of Labour as chief officer for the purposes of this Act;
- (ab) "constructor" means a person who contracts with an owner for the work on a trench, and includes an owner who undertakes the work on a trench;
- (ac) "depth" means the vertical dimension from the highest point of an excavation to a point level with the lowest point of the excavation;
-
- (ae) "owner" means the person for whose benefit a trench is to be excavated.

2. *The Trench Excavators' Protection Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 407,
amended

- 1a. Subject to section 2, this Act and the regulations apply to every trench, including any trench of the Crown or of any agency of the Crown or of any municipality as defined in *The Department of Municipal Affairs Act*. Where Act
applies
R.S.O. 1960,
c. 98

3. Clause *g* of section 2 of *The Trench Excavators' Protection Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 407, s. 2,
cl. g,
re-enacted

R.S.O. 1960,
c. 97

- (g) to a shaft, tunnel, caisson or coffer dam to which any regulation under subsection 1 of section 10 of *The Department of Labour Act*, as amended or remade from time to time, applies.

R.S.O. 1960,
c. 407, s. 3,
subs. 2,
re-enacted

4. Subsection 2 of section 3 of *The Trench Excavators' Protection Act* is repealed and the following substituted therefor:

Provincial
inspectors

- (2) There shall be one or more provincial inspectors who shall,

(a) instruct, advise and assist municipal inspectors in carrying out their duties under this Act; and

(b) enforce this Act and the regulations in territory without municipal organization.

R.S.O. 1960,
c. 407,
amended

5. *The Trench Excavators' Protection Act* is amended by adding thereto the following section:

Certificate
of appoint-
ment

- 3a.—(1) There shall be issued to every inspector a certificate of appointment signed by the clerk of the municipality or the Deputy Minister, as the case may be.

Production
of
certificate

- (2) When carrying out any of his duties under this Act, an inspector shall produce his certificate of appointment, if such is requested.

R.S.O. 1960,
c. 407, s. 5,
subs. 1,
amended

6.—(1) Subsection 1 of section 5 of *The Trench Excavators' Protection Act* is amended by adding at the end thereof "other than such work as is necessary to carry out the order with safety", so that the subsection shall read as follows:

Order of
inspector

- (1) Where an inspector finds that any provision of this Act or the regulations is being contravened, he may give such order in writing as he thinks necessary to secure compliance therewith and, until such order is carried out, the work upon that part of the trench in which the contravention occurs shall be suspended, other than such work as is necessary to carry out the order with safety.

R.S.O. 1960,
c. 407, s. 5,
subs. 2,
amended

- (2) Subsection 2 of the said section 5 is amended by striking out "and on summary conviction is liable to a fine of not less than \$10 and not more than \$100 for every day upon which the contravention continues" in the fifth, sixth and seventh lines and inserting in lieu thereof "against this Act", so that the subsection shall read as follows:

- (2) Every person to whom an order of an inspector is directed who contravenes or knowingly permits any person under his direction or control to contravene such order or to carry on work in contravention of subsection 1 is guilty of an offence against this Act.

7.—(1) Subsection 1 of section 6 of *The Trench Excavators' Protection Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 407, s. 6,
subs. 1,
re-enacted

- (1) The constructor shall before commencing work on a trench give notice in writing to an inspector appointed to enforce this Act in the jurisdiction in which the trench is to be excavated stating,

Inspector
to be
notified of
proposed
trench

(a) his name and address and the name and address of the owner of the trench;

(b) the location of the trench;

(c) the particulars as to the length, depth and width of the trench;

(d) the particulars known to the constructor of the type and condition of the soil, and the location of any pipes, conduits or prior excavations in or near the trench;

(e) the proposed date of commencing work on the trench; and

(f) the name and address of the person who will be in charge of the work on the trench.

(2) The said section 6 is amended by adding thereto the following subsection:

R.S.O. 1960,
c. 407, s. 6,
amended

- (3) Where the length of a trench to be excavated is 100 feet or more, a copy of the notice required by subsection 1 shall be given to the chief officer by the constructor before commencing work on the trench.

Where chief
officer to be
notified

8. *The Trench Excavators' Protection Act* is amended by adding thereto the following section:

R.S.O. 1960,
c. 407,
amended

- 6a.**—(1) Every municipal inspector or, where there is more than one, the senior in appointment shall prepare and submit to his council a report on or before the 31st day of January of each year in respect of the previous calendar year, and such report shall contain,

Annual
report of
municipal
inspector

- (a) the number of inspectors appointed by the municipality;
- (b) the number of notices received under section 6;
- (c) the total length of trenches referred to in the notices received under section 6;
- (d) the number of informations laid for offences under this Act;
- (e) the nature of such offences and the number of convictions made with respect thereto and the penalties imposed;
- (f) the number of persons fatally injured in connection with work on trenches, and the causes of such fatalities;
- (g) the number of orders made under section 5 and the number of work stoppages ordered;
- (h) such other matters as are prescribed.

Idem

- (2) Every municipal inspector who submits a report under subsection 1 shall forthwith send a copy thereof to the chief officer.

R.S.O. 1960,
c. 407, s. 7,
amended

9. Section 7 of *The Trench Excavators' Protection Act* is amended by striking out "the owner of the land in which a trench is being excavated or, if the work on the trench is being done by a contractor, it is the duty of the contractor" in the first, second and third lines and inserting in lieu thereof "a constructor", so that the lines preceding the clauses shall read as follows:

Duties of
constructor

7. It is the duty of a constructor,

R.S.O. 1960,
c. 407, s. 11,
subs. 1,
re-enacted

10. Subsection 1 of section 11 of *The Trench Excavators' Protection Act* is repealed and the following substituted therefor:

Explosives

- (1) The person in charge of work in connection with a trench shall ensure that only a person experienced in handling explosives shall handle, transport, prepare or use explosives in connection with such work, but a person inexperienced in handling explosives may work under the personal supervision of a person experienced in such work.

11. *The Trench Excavators' Protection Act* is amended by R.S.O. 1960, c. 407, amended adding thereto the following section:

15a. No person shall operate a power-driven crane, ^{Power machines} shovel, back-hoe or any similar machine in such a way that it or any part of its load may pass over a person in or near a trench.

12. *The Trench Excavators' Protection Act* is amended by R.S.O. 1960, c. 407, amended adding thereto the following section:

16a.—(1) No person shall bring any object, including the ^{Objects near power lines} boom of a crane or its load, within eight feet of an electric power line of more than 750 volts unless he,

(a) ensures that the electric supply is disconnected;

(b) ensures that the conductors are insulated; or

(c) is using a crane that is equipped,

(i) with a device to automatically warn the operator when the boom is within eight feet of a power line, or

(ii) with insulation to prevent any electrical hazard to the crane operator or persons in the vicinity.

(2) No person shall operate a power-driven crane, ^{Where signalman required} shovel, back-hoe or any similar machine closer than the length of the boom of the machine to a power line of more than 750 volts unless he has a person stationed within his view to warn him of danger from the power line.

13. Section 18 of *The Trench Excavators' Protection Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 407, s. 18, re-enacted

18. The person in charge of work in connection with a ^{Persons entering trenches} trench shall ensure that no person shall enter or remain in the trench if any of the provisions of this Act or the regulations with respect to such trench are not complied with.

14. Section 20 of *The Trench Excavators' Protection Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 407, s. 20, re-enacted

20. No person shall be in or near a trench unless he is ^{Protective hats} wearing a hat manufactured for the purpose of protecting persons from falling objects.

R.S.O. 1960,
c. 407, s. 21,
amended

15. Section 21 of *The Trench Excavators' Protection Act* is amended by striking out "be allowed to" in the first line and by striking out "exceeding twenty feet in depth" in the second line, so that the section shall read as follows:

Solitary
workers

21. No person shall work alone in a trench unless another person is on duty outside the trench in close proximity to the part of the trench in which the other person is working.

R.S.O. 1960,
c. 407, s. 22,
amended

16. Section 22 of *The Trench Excavators' Protection Act* is amended by striking out "be allowed to" in the first and second lines, so that the section shall read as follows:

Persons
under 16

22. No person under sixteen years of age shall enter or work in a trench.

R.S.O. 1960,
c. 407,
amended

17. *The Trench Excavators' Protection Act* is amended by adding thereto the following sections:

Bodily
injury

22a.—(1) Where an accident, industrial disease, explosion or fire causes bodily injury to a person in or near a trench whereby he is prevented or is likely to be prevented for three days from working and such occurrence does not require notice to an inspector under section 22b, a notice in writing of the occurrence shall be given to the chief officer by the person's employer stating,

(a) the person's name, age and address;

(b) the location, time, nature and cause of the occurrence.

Notice

(2) Such notice shall be given within four days after the occurrence.

Idem

(3) A true copy of the notice required to be given by an employer to the Workmen's Compensation Board by section 115 of *The Workmen's Compensation Act* may be delivered or mailed to the chief officer as sufficient notice under subsection 1.

R.S.O. 1960,
c. 437

Fatal
accidents

22b.—(1) Where a workman in or near a trench is killed or is critically injured, his employer shall immediately notify an inspector by telephone, telegram or in person of the occurrence, and shall, within forty-eight hours after the occurrence, send him a written report of the circumstances of the occurrence.

- (2) An inspector who receives a notice under subsection 1 shall, ^{Notice to chief officer, etc.}

(a) immediately upon receipt thereof, notify the chief officer by telephone, telegram or in person of the occurrence mentioned in the notice;

(b) immediately upon receipt of the employer's report under subsection 1, send a copy thereof to the chief officer; and

(c) forthwith investigate the circumstances of the occurrence and, where practicable, determine the cause or causes of the occurrence, and report in writing thereon to the chief officer with his recommendations for preventing a repetition of the occurrence and, where the inspector is a municipal inspector, send a copy of the report to the council of his municipality.

- (3) Where a person in or near a trench is killed or is critically injured, no person shall, except for the purpose of, ^{Disturbance of wreckage}

(a) saving life or relieving human suffering; or

(b) maintaining an essential public utility service or a public transportation system,

interfere with, disturb, destroy, alter or carry away any wreckage, article or thing at the scene of or connected with the occurrence until permission so to do has been given by an inspector.

18. Section 24 of *The Trench Excavators' Protection Act* ^{R.S.O. 1960, c. 407, s. 24, re-enacted} is repealed and the following substituted therefor:

24.—(1) Every person who contravenes any provision of this Act or the regulations is guilty of an offence ^{Offence} and on summary conviction is liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than twelve months, or to both.

(2) Every person who is convicted of an offence against subsection 2 of section 5 is, in addition to the penalties mentioned in subsection 1, liable to a fine of not more than \$100 a day for every day upon which the contravention continued after such order was given. ^{Additional penalty}

**Penalty for
corporations**

(3) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed is \$5,000 and not as provided therein.

**Commence-
ment**

19. This Act comes into force on the day it receives Royal Assent.

Short title

20. This Act may be cited as *The Trench Excavators' Protection Amendment Act, 1965*.

An Act to amend
The Trench Excavators' Protection Act

1st Reading

February 8th, 1965

2nd Reading

February 19th, 1965

3rd Reading

April 2nd, 1965

MR. ROWNTREE

BILL 18

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Elevators and Lifts Act

MR. ROWNTREE

EXPLANATORY NOTES

SECTION 1—Subsection 1. Subclause ii is new; otherwise the clause is unchanged in principle.

Subsections 2 and 3. These amendments are designed to clarify the intent.

SECTION 2—Subsection 1. The scope of the exclusion is widened.

BILL 18

1965

An Act to amend The Elevators and Lifts Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *a* of section 1 of *The Elevators and Lifts Act* R.S.O. 1960,
c. 119, s. 1,
cl. *a*,
re-enacted is repealed and the following substituted therefor:

(a) “attendant” means a person who, as the whole or a part of his normal duties,

(i) operates an elevator or incline lift, or

(ii) supervises the loading, passage or unloading of persons on an escalator or incline lift.

(2) Clause *f* of the said section 1 is amended by striking out “in a substantially vertical direction” in the third line and inserting in lieu thereof “at an angle exceeding 70 degrees from the horizontal”, so that the clause shall read as follows: R.S.O. 1960,
c. 119, s. 1,
cl. *f*,
amended

(f) “elevator” means a mechanism affixed to a building or structure, equipped with a car or platform that moves in guides at an angle exceeding 70 degrees from the horizontal and that is used to lift or lower persons or freight in or about the building or structure, and includes its hoistway enclosure.

(3) Clause *j* of the said section 1 is amended by inserting after “incline” in the fourth line “of 70 degrees or less from the horizontal”, so that the clause shall read as follows: R.S.O. 1960,
c. 119, s. 1,
cl. *j*,
amended

(j) “incline lift” means a mechanism having a power-driven rope, belt or chain, with or without handholds or seats, for lifting or lowering persons or freight on an incline of 70 degrees or less from the horizontal, and includes a ski lift and a ski tow.

2.—(1) Clause *a* of section 2 of *The Elevators and Lifts Act* R.S.O. 1960,
c. 119, s. 2,
cl. *a*,
re-enacted is repealed and the following substituted therefor:

- (a) elevators, dumb-waiters, escalators, manlifts or incline lifts in or in connection with private dwelling houses and used exclusively by the occupants thereof and their guests, unless the owner of any such mechanism requests that this Act be applied to it.

R.S.O. 1960,
c. 119, s. 2,
amended

- (2) The said section 2 is amended by adding thereto the following clause:

(ca) a lifting device that is,

- (i) part of a conveyor system,
- (ii) mechanically loaded and unloaded, and
- (iii) is so fenced in or guarded as to prevent persons from accidentally entering the hoistway.

R.S.O. 1960,
c. 119, s. 2,
cl. d,
re-enacted

- (3) Clause d of the said section 2 is repealed and the following substituted therefor:

(d) freight ramps having a means of adjusting the slope of the ramp;

(da) freight platforms having a rise of sixty inches or less.

R.S.O. 1960,
c. 119, s. 3,
cl. g,
re-enacted

- (4) Clause g of the said section 2 is repealed and the following substituted therefor:

1960-61,
c. 11

- (g) a construction hoist as defined in *The Construction Hoists Act, 1960-61*.

R.S.O. 1960,
c. 119, s. 3,
subs. 1,
re-enacted

- 3.** Subsection 1 of section 3 of *The Elevators and Lifts Act* is repealed and the following substituted therefor:

Inspectors,
appoint-
ment

- (1) For the purpose of carrying out this Act, a chief inspector and such inspectors as are deemed necessary to enforce this Act shall be appointed, and the chief inspector shall have the general supervision and direction of the other inspectors for the purpose of enforcing this Act.

R.S.O. 1960,
c. 119, s. 6,
subs. 1,
amended

- 4.**—(1) Subsection 1 of section 6 of *The Elevators and Lifts Act* is amended by striking out "or by a representative of an insurer" in the third line, so that the subsection shall read as follows:

Annual
inspection
of elevators,
etc.

- (1) Every elevator, dumb-waiter, escalator, manlift and incline lift shall be inspected at least once annually by an inspector.

Subsection 2. The new clause *ca* complements clause *c* and clarifies the intent.

Subsection 3. The purpose of these amendments is to exempt adjustable freight ramps from the Act.

Subsection 4. The clause is brought up to date.

SECTION 3. The provision is brought into line with present-day practices.

SECTION 4. These amendments delete the provisions of the Act under which representatives of insurance companies inspect elevators, etc., in certain circumstances. The effect will be that all such inspections will be done by inspectors of the Department of Labour.

SECTION 5. Self-explanatory.

SECTION 6. This amendment will enable the most up-to-date safety code to be used. See also section 10 (2) of this Bill.

SECTION 7. The licensing system is being changed from a calendar-year basis to a twelve-month basis.

SECTION 8. Self-explanatory.

- (2) Subsection 2 of the said section 6 is repealed.

R.S.O. 1960,
c. 119, s. 6,
subs. 2,
repealed

5. Section 7 of *The Elevators and Lifts Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 119, s. 7,
re-enacted

- 7.—(1) The chief inspector shall upon request and payment of the prescribed fee supply the insurer of any elevator, dumb-waiter, escalator, manlift or incline lift with a copy of an inspector's report thereon if the insurer has the owner's permission to receive such copy.

Inspectors' reports to insurers

- (2) Where an insurer files a request for future copies of inspectors' reports on a particular elevator, dumb-waiter, escalator, manlift or incline lift and the insurance thereon is subsequently cancelled, rejected or suspended, the insurer shall forthwith notify the chief inspector of such cancellation, rejection or suspension.

Idem

6. Section 8 of *The Elevators and Lifts Act*, as amended by section 1 of *The Elevators and Lifts Amendment Act, 1961-62*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 119, s. 8,
re-enacted

8. In carrying out their duties, the inspectors shall, subject to this Act and the regulations, apply such safety code or parts thereof of the Canadian Standards Association for elevators, dumb-waiters, escalators, manlifts and incline lifts as is prescribed by the regulations.

C.S.A. Safety Code

7. Subsection 3 of section 13 of *The Elevators and Lifts Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 119, s. 13,
subs. 3,
re-enacted

- (3) The licence is valid for the period for which it is granted, which shall not exceed twelve months, unless it is sooner suspended or revoked.

Term

8. Subsection 1 of section 15 of *The Elevators and Lifts Act* is amended by inserting after "freely" in the second line "or travels beyond its normal operating limits", so that the subsection shall read as follows:

R.S.O. 1960,
c. 119, s. 15,
subs. 1,
amended

- (1) Where an elevator, dumb-waiter, escalator, manlift or incline lift falls freely or travels beyond its normal operating limits or where the emergency supporting devices engage or where an accident occurs that causes injury to any person, the owner shall give notice in writing with full particulars thereof to the chief inspector within twenty-four hours thereafter.

Notice of failure and accidents

R.S.O. 1960, c. 119, ss. 18, 19, re-enacted **9.** Sections 18 and 19 of *The Elevators and Lifts Act* are repealed and the following substituted therefor:

Compliance with Act and regulations required

18. The owner of an elevator, dumb-waiter, escalator, manlift or incline lift shall not operate it and shall ensure that it is not operated unless it complies with this Act and the regulations.

Licence required

19. The owner of an elevator, dumb-waiter, escalator, manlift or incline lift shall not operate it and shall ensure that it is not operated unless it is licensed.

R.S.O. 1960, c. 119, s. 27, subs. 1, cls. f, g, repealed

10.—(1) Clauses *f* and *g* of subsection 1 of section 27 of *The Elevators and Lifts Act* are repealed.

R.S.O. 1960, c. 119, s. 27, subs. 1, cl. *ka* (1961-62, c. 38, s. 4), repealed; cl. *l*, re-enacted

(2) Clause *ka*, as enacted by section 4 of *The Elevators and Lifts Amendment Act, 1961-62*, and clause *l* of subsection 1 of the said section 27 are repealed and the following substituted therefor:

(*l*) adopting by reference in whole or in part with such changes as are considered advisable any safety code of the Canadian Standards Association for elevators, dumb-waiters, escalators, manlifts and incline lifts.

R.S.O. 1960, c. 119, s. 27, subs. 1, amended

(3) Subsection 1 of the said section 27 is amended by adding thereto the following clause:

(*ra*) prescribing the fees to be paid by insurers for copies of inspectors' reports.

1965 licences to continue in force

11. The licence of an elevator, dumb-waiter, escalator, manlift or incline lift for the calendar year 1965 shall be deemed not to have expired at the end of that year but is valid and subsisting until the elevator, dumb-waiter, escalator, manlift or incline lift, as the case may be, is first inspected in 1966, unless sooner suspended or revoked.

Commencement

12. This Act comes into force on the 1st day of January, 1966.

Short title

13. This Act may be cited as *The Elevators and Lifts Amendment Act, 1965*.

SECTION 9. The intent is clarified and strengthened.

SECTION 10—Subsection 1. See note to section 4 of this Bill. These amendments are complementary.

Subsection 2. See note to section 6 of this Bill. The new clause *l* is complementary.

Subsection 3. See section 5 of this Bill. The new clause *ra* is complementary.

SECTION 11. This substantive provision will enable the licensing system to be changed over from a calendar-year basis to a twelve-month basis. See also section 7 of this Bill.

An Act to amend
The Elevators and Lifts Act

1st Reading

February 8th, 1965

2nd Reading

3rd Reading

MR. ROWNTREE

BILL 18

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Elevators and Lifts Act

MR. ROWNTREE



BILL 18

1965

An Act to amend The Elevators and Lifts Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *a* of section 1 of *The Elevators and Lifts Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 119, s. 1,
cl. *a*,
re-enacted

(a) "attendant" means a person who, as the whole or a part of his normal duties,

(i) operates an elevator or incline lift, or

(ii) supervises the loading, passage or unloading of persons on an escalator or incline lift.

(2) Clause *f* of the said section 1 is amended by striking out "in a substantially vertical direction" in the third line and inserting in lieu thereof "at an angle exceeding 70 degrees from the horizontal", so that the clause shall read as follows: R.S.O. 1960,
c. 119, s. 1,
cl. *f*,
amended

(f) "elevator" means a mechanism affixed to a building or structure, equipped with a car or platform that moves in guides at an angle exceeding 70 degrees from the horizontal and that is used to lift or lower persons or freight in or about the building or structure, and includes its hoistway enclosure.

(3) Clause *j* of the said section 1 is amended by inserting after "incline" in the fourth line "of 70 degrees or less from the horizontal", so that the clause shall read as follows: R.S.O. 1960,
c. 119, s. 1,
cl. *j*,
amended

(j) "incline lift" means a mechanism having a power-driven rope, belt or chain, with or without handholds or seats, for lifting or lowering persons or freight on an incline of 70 degrees or less from the horizontal, and includes a ski lift and a ski tow.

2.—(1) Clause *a* of section 2 of *The Elevators and Lifts Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 119, s. 2,
cl. *a*,
re-enacted

- (a) elevators, dumb-waiters, escalators, manlifts or incline lifts in or in connection with private dwelling houses and used exclusively by the occupants thereof and their guests, unless the owner of any such mechanism requests that this Act be applied to it.

R.S.O. 1960,
c. 119, s. 2,
amended

- (2) The said section 2 is amended by adding thereto the following clause:

(ca) a lifting device that is,

- (i) part of a conveyor system,
- (ii) mechanically loaded and unloaded, and
- (iii) is so fenced in or guarded as to prevent persons from accidentally entering the hoistway.

R.S.O. 1960,
c. 119, s. 2,
cl. d,
re-enacted

- (3) Clause d of the said section 2 is repealed and the following substituted therefor:

(d) freight ramps having a means of adjusting the slope of the ramp;

(da) freight platforms having a rise of sixty inches or less.

R.S.O. 1960,
c. 119, s. 2,
cl. g,
re-enacted

- (4) Clause g of the said section 2 is repealed and the following substituted therefor:

1960-61,
c. 11

(g) a construction hoist as defined in *The Construction Hoists Act, 1960-61*.

R.S.O. 1960,
c. 119, s. 3,
subs. 1,
re-enacted

- 3.** Subsection 1 of section 3 of *The Elevators and Lifts Act* is repealed and the following substituted therefor:

Inspectors,
appoint-
ment

- (1) For the purpose of carrying out this Act, a chief inspector and such inspectors as are deemed necessary to enforce this Act shall be appointed, and the chief inspector shall have the general supervision and direction of the other inspectors for the purpose of enforcing this Act.

R.S.O. 1960,
c. 119, s. 6,
subs. 1,
amended

- 4.**—(1) Subsection 1 of section 6 of *The Elevators and Lifts Act* is amended by striking out "or by a representative of an insurer" in the third line, so that the subsection shall read as follows:

Annual
inspection
of elevators,
etc.

- (1) Every elevator, dumb-waiter, escalator, manlift and incline lift shall be inspected at least once annually by an inspector.

(2) Subsection 2 of the said section 6 is repealed.

R.S.O. 1960,
c. 119, s. 6,
subs. 2,
repealed

5. Section 7 of *The Elevators and Lifts Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 119, s. 7,
re-enacted

7.—(1) The chief inspector shall upon request and payment of the prescribed fee supply the insurer of any elevator, dumb-waiter, escalator, manlift or incline lift with a copy of an inspector's report thereon if the insurer has the owner's permission to receive such copy.

Inspectors'
reports to
insurers

(2) Where an insurer files a request for future copies of inspectors' reports on a particular elevator, dumb-waiter, escalator, manlift or incline lift and the insurance thereon is subsequently cancelled, rejected or suspended, the insurer shall forthwith notify the chief inspector of such cancellation, rejection or suspension.

Idem

6. Section 8 of *The Elevators and Lifts Act*, as amended by section 1 of *The Elevators and Lifts Amendment Act, 1961-62*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 119, s. 8,
re-enacted

8. In carrying out their duties, the inspectors shall, subject to this Act and the regulations, apply such safety code or parts thereof of the Canadian Standards Association for elevators, dumb-waiters, escalators, manlifts and incline lifts as is prescribed by the regulations.

C.S.A.
Safety
Code

7. Subsection 3 of section 13 of *The Elevators and Lifts Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 119, s. 13,
subs. 3,
re-enacted

(3) The licence is valid for the period for which it is granted, which shall not exceed twelve months, unless it is sooner suspended or revoked.

Term

8. Subsection 1 of section 15 of *The Elevators and Lifts Act* is amended by inserting after "freely" in the second line "or travels beyond its normal operating limits", so that the subsection shall read as follows:

R.S.O. 1960,
c. 119, s. 15,
subs. 1,
amended

(1) Where an elevator, dumb-waiter, escalator, manlift or incline lift falls freely or travels beyond its normal operating limits or where the emergency supporting devices engage or where an accident occurs that causes injury to any person, the owner shall give notice in writing with full particulars thereof to the chief inspector within twenty-four hours thereafter.

Notice of
failure and
accidents

R.S.O. 1960, c. 119, ss. 18, 19, re-enacted **9.** Sections 18 and 19 of *The Elevators and Lifts Act* are repealed and the following substituted therefor:

Compliance with Act and regulations required

18. The owner of an elevator, dumb-waiter, escalator, manlift or incline lift shall not operate it and shall ensure that it is not operated unless it complies with this Act and the regulations.

Licence required

19. The owner of an elevator, dumb-waiter, escalator, manlift or incline lift shall not operate it and shall ensure that it is not operated unless it is licensed.

R.S.O. 1960, c. 119, s. 27, subs. 1, cls. f, g, repealed

10.—(1) Clauses *f* and *g* of subsection 1 of section 27 of *The Elevators and Lifts Act* are repealed.

R.S.O. 1960, c. 119, s. 27, subs. 1, cl. *ka* (1961-62, c. 38, s. 4), repealed; cl. *l*, re-enacted

(2) Clause *ka*, as enacted by section 4 of *The Elevators and Lifts Amendment Act, 1961-62*, and clause *l* of subsection 1 of the said section 27 are repealed and the following substituted therefor:

(*l*) adopting by reference in whole or in part with such changes as are considered advisable any safety code of the Canadian Standards Association for elevators, dumb-waiters, escalators, manlifts and incline lifts.

R.S.O. 1960, c. 119, s. 27, subs. 1, amended

(3) Subsection 1 of the said section 27 is amended by adding thereto the following clause:

(*ra*) prescribing the fees to be paid by insurers for copies of inspectors' reports.

1965 licences to continue in force

11. The licence of an elevator, dumb-waiter, escalator, manlift or incline lift for the calendar year 1965 shall be deemed not to have expired at the end of that year but is valid and subsisting until the elevator, dumb-waiter, escalator, manlift or incline lift, as the case may be, is first inspected in 1966, unless sooner suspended or revoked.

Commencement

12. This Act comes into force on the 1st day of January, 1966.

Short title

13. This Act may be cited as *The Elevators and Lifts Amendment Act, 1965*.

An Act to amend
The Elevators and Lifts Act

1st Reading

February 8th, 1965

2nd Reading

February 11th, 1965

3rd Reading

April 2nd, 1965

MR. ROWNTREE

BILL 19

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Construction Safety Act, 1961-62

MR. ROWNTREE

EXPLANATORY NOTES

SECTION 1. The purpose of these amendments is (1) to take gas and oil wells out of the scope of the Act; (2) to take shafts, tunnels, caissons and coffer dams out of the scope of the Act as these specialized works are being dealt with under departmental regulations; and (3) to define expressions now used in the Act. See section 10 of this Bill.

BILL 19

1965

An Act to amend The Construction Safety Act, 1961-62

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Construction Safety Act, 1961-62* ^{1961-62, c. 18, s. 1, amended} is amended by relettering clause *a* as clause *ab* and by adding thereto the following clauses:

- (a) “chief officer” means the officer of the Department of Labour designated by the Deputy Minister as chief officer for the purposes of this Act;
- (aa) “constructor” means a person who contracts with the owner of a project for the work thereon, and includes an owner who,
 - (i) contracts with more than one person for the work on a project, or
 - (ii) undertakes the work on a project or any part thereof;
-
- (da) “owner” means the person for whose direct benefit a project exists upon its completion.

(2) Clause *f* of the said section 1, as re-enacted by section 2 of *The Construction Safety Amendment Act, 1962-63*, is amended ^{1961-62, c. 18, s. 1, cl. f (1962-63, c. 22, s. 2), amended} by inserting after “well” in the first line of subclause iv “other than an oil or gas well” and by adding at the end thereof “but does not include a shaft, tunnel, caisson or coffer dam to which any regulation under subsection 1 of section 10 of *The Department of Labour Act*, as amended or remade from time to time, applies”, so that the clause shall read as follows:

(f) "project" means,

- (i) a building or other structure that is being constructed, altered, repaired, demolished or moved,
- (ii) a trench as defined in *The Trench Excavators' Protection Act* that is being excavated, altered, repaired or back-filled,
- (iii) a street or highway that is being built, altered, repaired, demolished or moved,
- (iv) a well, other than an oil or gas well, that is being dug, drilled, altered, repaired or back-filled,

R.S.O. 1960,
c. 407

and includes all appurtenances thereof, but does not include a shaft, tunnel, caisson or coffer dam to which any regulation under subsection 1 of section 10 of *The Department of Labour Act*, as amended or remade from time to time, applies.

R.S.O. 1960,
c. 97

1961-62,
c. 18, s. 1,
amended

(3) The said section 1 is further amended by adding thereto the following clause:

- (i) "subcontractor" means a person who contracts with a constructor for the work on part of a project, and includes a person who contracts with a subcontractor for work on a part of the project.

1961-62,
c. 18, s. 3,
subs. 1,
cl. c,
amended

2. Clause *c* of subsection 1 of section 3 of *The Construction Safety Act, 1961-62* is amended by adding at the end thereof "and, notwithstanding clause *a*, the work is being done solely by the owner in person with or without the assistance of his farm help", so that the clause shall read as follows:

- (c) that is situate on a farm and that is to be used or is used only for farming purposes and, notwithstanding clause *a*, the work is being done solely by the owner in person with or without the assistance of his farm help.

1961-62,
c. 18, s. 7,
subs. 1,
amended

3.—(1) Subsection 1 of section 7 of *The Construction Safety Act, 1961-62* is amended by inserting after "municipalities" in the first line "that are required by this Act to appoint one or more persons as inspectors", so that the subsection shall read as follows:

SECTION 2. This amendment limits the farm exemption to projects being done by the farmer himself with or without the assistance of his farm help.

SECTIONS 3 and 4. These amendments repeal the permissive authority for local municipalities to withdraw from the county for the purposes of the Act and to appoint their own inspectors for the purposes of the Act.

SECTIONS 5 and 6. The intent is clarified.

- (1) The councils of two or more municipalities that are required by this Act to appoint one or more persons as inspectors may enter into an agreement under which the inspector or inspectors of one of them will enforce this Act and the regulations in the other or others upon such terms and conditions as are agreed upon. Appointment and duties of inspectors, joint agreements
- (2) Subsection 2 of the said section 7 is repealed. 1961-62, c. 18, s. 7, subs. 2, repealed
4. Sections 8 and 9 of *The Construction Safety Act, 1961-62* are repealed. 1961-62, c. 18, ss. 8, 9, repealed
5. Subsection 2 of section 13 of *The Construction Safety Act, 1961-62* is amended by striking out "under subsection 1" in the fifth line and inserting in lieu thereof "in the exercise of his duties under this Act", so that the subsection shall read as follows: 1961-62, c. 18, s. 13, subs. 2, amended
- (2) No person shall neglect or refuse to produce drawings and specifications as required by an inspector under subsection 1, and no person shall furnish an inspector with false information or neglect or refuse to furnish information required by an inspector in the exercise of his duties under this Act. False information, etc.
6. Section 15a of *The Construction Safety Act, 1961-62*, as enacted by section 8 of *The Construction Safety Amendment Act, 1962-63*, is repealed and the following substituted therefor: 1961-62, c. 18, s. 15a (1962-63, c. 22, s. 8), re-enacted
- 15a.—(1) The official of a municipality who issues a building permit for a project shall within seven days of the issue thereof notify in writing the inspector appointed to enforce this Act in that municipality, Notice of project, where building permit required
- (a) of the name and address of the person to whom the permit was given;
- (b) of the location and nature of the project; and
- (c) of the estimated cost of the project.
- (2) Where no municipal building permit for a project is required, the constructor of a project shall before commencing work on the project notify in writing the inspector appointed to enforce this Act in the locality in which the project is located, Idem, where no building permit required
- (a) of his name and address;
- (b) of the location and nature of the project; and
- (c) of the estimated cost of the project.

1961-62,
c. 18, s. 16,
amended

7. Section 16 of *The Construction Safety Act, 1961-62*, as amended by section 9 of *The Construction Safety Amendment Act, 1962-63*, is further amended by adding thereto the following subsection:

Report
as to
offences

- (3) Every municipal inspector or, where there is more than one, the senior in appointment shall, immediately upon the disposition of each charge alleging a breach of this Act or the regulations in the municipality, submit to the Deputy Minister a report in the prescribed form of the disposition of the charge.

1961-62,
c. 18, s. 17,
subs. 1,
cl. a,
amended

8.—(1) Clause *a* of subsection 1 of section 17 of *The Construction Safety Act, 1961-62* is amended by inserting after “with” in the fifth line “to the satisfaction of an inspector”, so that the clause shall read as follows:

- (a) where the order specifies that it be carried out forthwith, all work on the project or the part thereof specified in the order, other than such work as is necessary to carry out the order with safety, shall stop until the order is complied with to the satisfaction of an inspector; or

.

1961-62,
c. 18, s. 17,
subs. 1,
cl. b,
amended

(2) Clause *b* of subsection 1 of the said section 17 is amended by adding at the end thereof “to the satisfaction of an inspector”, so that the clause shall read as follows:

- (b) where the order specifies the period within which it is to be carried out and it is not carried out within that period, all work on the project or the part thereof specified in the order, other than such work as is necessary to carry out the order with safety, shall stop until the order is complied with to the satisfaction of an inspector.

1961-62,
c. 18, s. 17,
subs. 3,
re-enacted

(3) Subsection 3 of the said section 17 is repealed and the following substituted therefor:

Duty to
comply

- (3) Every person to whom an order under this Act is given shall comply with it in accordance with its terms.

1961-62,
c. 18,
amended

9. *The Construction Safety Act, 1961-62* is amended by adding thereto the following section:

Restraining
orders

- 17a.—(1) Where a person is charged with failure to comply with the order of an inspector given under section 17, a judge or local judge of the Supreme

SECTION 7. Self-explanatory.

SECTION 8—Subsections 1 and 2. The intent is clarified.

Subsection 3. The penalty is increased and is transferred to section 22 of the Act. See section 15 of this Bill.

SECTION 9. This section is new. It is designed in the interests of safety to enforce compliance with stop-work orders.

SECTION 10. The duty to take safety precautions for workmen is broadened.

SECTION 11. Self-explanatory.

Court may, upon the application of the inspector who gave the order and upon two clear days notice to the accused person, grant an order restraining the accused person and any other person having knowledge of the restraining order from continuing the work specified in the restraining order until the final disposition of the charge, other than such work as is necessary to carry out the inspector's order.

- (2) A restraining order may be made under subsection 1 ^{Idem} *ex parte* for a period not exceeding five days.
- (3) A restraining order under this section may be entered ^{Idem} and enforced in the same manner as an order or judgment of the Supreme Court.

10. Section 18 of *The Construction Safety Act, 1961-62* ^{1961-62, c. 18, s. 18, re-enacted} is repealed and the following substituted therefor:

- 18.—(1) A constructor shall ensure that the equipment, ^{Duty of constructors} materials and the safeguards prescribed by the regulations are provided on the project.
- (2) A constructor shall ensure that such equipment, ^{Idem} materials and safeguards as are provided by him are maintained in good condition and used as prescribed.
- (3) In addition to compliance with subsections 1 and 2, ^{Idem} a constructor shall take every precaution that is reasonable in the circumstances to ensure the safety of all persons on the project.
- (4) Every subcontractor shall ensure that such equipment, ^{Duty of sub-contractors} materials and safeguards as are provided by him are maintained in good condition and used as prescribed.
- (5) In addition to compliance with subsection 4, a sub- ^{Idem} contractor shall take every precaution that is reasonable in the circumstances to ensure the safety of all persons on the part or parts of the project under his direct control.

11. *The Construction Safety Act, 1961-62* is amended by ^{1961-62, c. 18, amended} adding thereto the following section:

- 18a.—(1) No person under the age of sixteen years shall ^{Minimum age} work on a project.
- (2) No person shall employ a person under the age of ^{Idem} sixteen years on a project.

Idem

- (3) Notwithstanding subsections 1 and 2, a person who has attained the age of fifteen years may be employed in such parts of a project as are designated by the regulations.

1961-62,
c. 18, s. 19,
amended

12. Section 19 of *The Construction Safety Act, 1961-62* is amended by striking out "workman" in the first line and inserting in lieu thereof "person", so that the section shall read as follows:

Offences

19. Every person on a project who,

- (a) by his conduct endangers his safety or that of other persons; or
- (b) fails to use or wear protective devices or clothing when required by his employer,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$500.

1961-62,
c. 18,
amended

13. *The Construction Safety Act, 1961-62* is amended by adding thereto the following section:

Bodily injury

- 19b.—(1) Where an accident, industrial disease, explosion or fire causes bodily injury to a person on a project whereby he is prevented or is likely to be prevented for three days from working and such occurrence does not require notice to an inspector under section 20, a notice in writing of the occurrence shall be given to the chief officer by the person's employer stating,

- (a) the person's name, age and address; and

- (b) the location, time, nature and cause of the occurrence.

Notice

- (2) Such notice shall be given within four days after the occurrence.

Idem

- (3) A true copy of the notice required to be given by an employer to the Workmen's Compensation Board by section 115 of *The Workmen's Compensation Act* may be delivered or mailed to the chief officer as sufficient notice under subsection 1.

R.S.O. 1960,
c. 437

1961-62,
c. 18, s. 20,
subs. 1a
(1962-63,
c. 22, s. 11,
subs. 2),
re-enacted

14. Subsection 1a of section 20 of *The Construction Safety Act, 1961-62*, as enacted by subsection 2 of section 11 of *The Construction Safety Amendment Act, 1962-63*, is repealed and the following substituted therefor:

SECTION 12. The scope of the offence is broadened.

SECTION 13. This provision is new. It is self-explanatory.

SECTION 14. This procedure applies only to accidents where a workman on a project is killed or critically injured.

SECTION 15. In the new subsection 2, an additional penalty is provided for each day upon which there is failure to comply with a stop-work order.

The new subsection 3 prescribes that, where an offence under the Act is committed by a corporation, the maximum penalty is increased to \$5,000.

SECTION 16. This clause will confer power on the Lieutenant Governor in Council to make a regulation on the subject-matter stated. It is complementary to section 11 of this Bill.

(1a) An inspector who receives a notice under subsection 1 shall, ^{Notice to chief officer}

- (a) immediately upon receipt thereof, notify the chief officer by telephone, telegram or in person of the occurrence mentioned in the notice;
- (b) immediately upon receipt of the employer's report under subsection 1, send a copy thereof to the chief officer; and
- (c) forthwith investigate the circumstances of the occurrence and, where practicable, determine the cause or causes of the occurrence, and report in writing thereon to the chief officer with his recommendations for preventing a repetition of the occurrence and, where the inspector is a municipal inspector, send a copy of the report to the council of his municipality.

15. Section 22 of *The Construction Safety Act, 1961-62* is ^{1961-62, c. 18, s. 22, amended} amended by adding thereto the following subsections:

- (2) Every person to whom an order is given under section 17 who fails to comply with it in accordance with its terms is guilty of an offence and on summary conviction is, in addition to the penalties mentioned in subsection 1, liable to a fine of not more than \$100 per day for every day upon which the offence continued after such order was given. ^{Penalty for failure to comply with stop-work order}
- (3) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed is \$5,000 and not as provided therein. ^{Penalty for corporation}

16. Subsection 2 of section 24 of *The Construction Safety Act, 1961-62* is ^{1961-62, c. 18, s. 24, subs. 2, amended} amended by adding thereto the following clause:

- (ca) designating parts of projects for the purpose of section 18a.

17. This Act comes into force on the day it receives Royal Assent. ^{Commencement}

18. This Act may be cited as *The Construction Safety Amendment Act, 1965*. ^{Short title}

An Act to amend
The Construction Safety Act, 1961-62

1st Reading

February 8th, 1965

2nd Reading

3rd Reading

MR. ROWNTREE

BILL 19

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Construction Safety Act, 1961-62

MR. ROWNTREE

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTES

SECTION 1. The purpose of these amendments is (1) to take gas and oil wells out of the scope of the Act; (2) to take shafts, tunnels, caissons and coffer dams out of the scope of the Act as these specialized works are being dealt with under departmental regulations; and (3) to define expressions now used in the Act. See section 10 of this Bill.

BILL 19

1965

An Act to amend The Construction Safety Act, 1961-62

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Construction Safety Act, 1961-62* ^{1961-62, c. 18, s. 1,} is amended by relettering clause *a* as clause *ab* and by adding ^{amended} thereto the following clauses:

(a) “chief officer” means the officer of the Department of Labour designated by the Deputy Minister as chief officer for the purposes of this Act;

(aa) “constructor” means a person who contracts with the owner of a project for the work thereon, and includes an owner who,

(i) contracts with more than one person for the work on a project, or

(ii) undertakes the work on a project or any part thereof;

(da) “owner” means the person for whose direct benefit a project exists upon its completion.

(2) Clause *f* of the said section 1, as re-enacted by section 2 ^{1961-62, c. 18, s. 1,} of *The Construction Safety Amendment Act, 1962-63*, is amended ^{cl. f} by inserting after “well” in the first line of subclause iv “other than an oil or gas well” and by adding at the end thereof ^{(1962-63, c. 22, s. 2),} “but does not include a shaft, tunnel, caisson or coffer dam to which any regulation under subsection 1 of section 10 of *The Department of Labour Act*, as amended or remade from time to time, applies”, so that the clause shall read as follows:

(f) "project" means,

- (i) a building or other structure that is being constructed, altered, repaired, demolished or moved,
- (ii) a trench as defined in *The Trench Excavators' Protection Act* that is being excavated, altered, repaired or back-filled,
- (iii) a street or highway that is being built, altered, repaired, demolished or moved,
- (iv) a well, other than an oil or gas well, that is being dug, drilled, altered, repaired or back-filled,

and includes all appurtenances thereof, but does not include a shaft, tunnel, caisson or coffer dam to which any regulation under subsection 1 of section 10 of *The Department of Labour Act*, as amended or remade from time to time, applies.

R.S.O. 1960,
c. 407

R.S.O. 1960,
c. 97

1961-62,
c. 18, s. 1,
amended

(3) The said section 1 is further amended by adding thereto the following clause:

- (i) "subcontractor" means a person who contracts with a constructor for the work on part of a project, and includes a person who contracts with a subcontractor for work on a part of the project.

1961-62,
c. 18, s. 3,
subs. 1,
cl. c,
amended

2. Clause *c* of subsection 1 of section 3 of *The Construction Safety Act*, 1961-62 is amended by adding at the end thereof "and, notwithstanding clause *a*, the work is being done solely by the owner in person with or without the assistance of his farm help", so that the clause shall read as follows:

- (c) that is situate on a farm and that is to be used or is used only for farming purposes and, notwithstanding clause *a*, the work is being done solely by the owner in person with or without the assistance of his farm help.

1961-62,
c. 18, s. 7,
subs. 1,
amended

3.—(1) Subsection 1 of section 7 of *The Construction Safety Act*, 1961-62 is amended by inserting after "municipalities" in the first line "that are required by this Act to appoint one or more persons as inspectors", so that the subsection shall read as follows:

SECTION 2. This amendment limits the farm exemption to projects being done by the farmer himself with or without the assistance of his farm help.

SECTIONS 3 and 4. These amendments repeal the permissive authority for local municipalities to withdraw from the county for the purposes of the Act and to appoint their own inspectors for the purposes of the Act.

SECTIONS 5 and 6. The intent is clarified.

- (1) The councils of two or more municipalities that are required by this Act to appoint one or more persons as inspectors may enter into an agreement under which the inspector or inspectors of one of them will enforce this Act and the regulations in the other or others upon such terms and conditions as are agreed upon. Appointment and duties of inspectors, joint agreements
1961-62, c. 18, s. 7, subs. 2, repealed
- (2) Subsection 2 of the said section 7 is repealed. 1961-62, c. 18, ss. 8, 9, repealed
4. Sections 8 and 9 of *The Construction Safety Act, 1961-62* are repealed. 1961-62, c. 18, ss. 8, 9, repealed
- 5.—(1) Subsection 1 of section 13 of *The Construction Safety Act, 1961-62* is amended by striking out "the same" in the fifth line and inserting in lieu thereof "any matter related to a project". 1961-62, c. 18, s. 13, subs. 1, amended
- (2) Subsection 2 of the said section 13 is amended by striking out "under subsection 1" in the fifth line and inserting in lieu thereof "in the exercise of his duties under this Act", so that the subsection shall read as follows: 1961-62, c. 18, s. 13, subs. 2, amended
- (2) No person shall neglect or refuse to produce drawings and specifications as required by an inspector under subsection 1, and no person shall furnish an inspector with false information or neglect or refuse to furnish information required by an inspector in the exercise of his duties under this Act. False information, etc.
6. Section 15a of *The Construction Safety Act, 1961-62*, as enacted by section 8 of *The Construction Safety Amendment Act, 1962-63*, is repealed and the following substituted therefor: 1961-62, c. 18, s. 15a (1962-63, c. 22, s. 8), re-enacted
- 15a.—(1) The official of a municipality who issues a building permit for a project shall within seven days of the issue thereof notify in writing the inspector appointed to enforce this Act in that municipality, Notice of project, where building permit required
- (a) of the name and address of the person to whom the permit was given;
- (b) of the location and nature of the project; and
- (c) of the estimated cost of the project.
- (2) Where no municipal building permit for a project is required, the constructor of a project shall before commencing work on the project notify in writing the inspector appointed to enforce this Act in the locality in which the project is located, Idem, where no building permit required
- (a) of his name and address;
- (b) of the location and nature of the project; and
- (c) of the estimated cost of the project.

1961-62,
c. 18, s. 16,
amended

7. Section 16 of *The Construction Safety Act, 1961-62*, as amended by section 9 of *The Construction Safety Amendment Act, 1962-63*, is further amended by adding thereto the following subsection:

Report
as to
offences

- (3) Every municipal inspector or, where there is more than one, the senior in appointment shall, immediately upon the disposition of each charge alleging a breach of this Act or the regulations in the municipality, submit to the Deputy Minister a report in the prescribed form of the disposition of the charge.

1961-62,
c. 18, s. 17,
subs. 1,
cl. a,
amended

8.—(1) Clause *a* of subsection 1 of section 17 of *The Construction Safety Act, 1961-62* is amended by inserting after "with" in the fifth line "to the satisfaction of an inspector", so that the clause shall read as follows:

- (a) where the order specifies that it be carried out forthwith, all work on the project or the part thereof specified in the order, other than such work as is necessary to carry out the order with safety, shall stop until the order is complied with to the satisfaction of an inspector; or

1961-62,
c. 18, s. 17,
subs. 1,
cl. b,
amended

(2) Clause *b* of subsection 1 of the said section 17 is amended by adding at the end thereof "to the satisfaction of an inspector", so that the clause shall read as follows:

- (b) where the order specifies the period within which it is to be carried out and it is not carried out within that period, all work on the project or the part thereof specified in the order, other than such work as is necessary to carry out the order with safety, shall stop until the order is complied with to the satisfaction of an inspector.

1961-62,
c. 18, s. 17,
subs. 3,
re-enacted

(3) Subsection 3 of the said section 17 is repealed and the following substituted therefor:

Duty to
comply

- (3) Every person to whom an order under this Act is given shall comply with it in accordance with its terms.

1961-62,
c. 18,
amended

9. *The Construction Safety Act, 1961-62* is amended by adding thereto the following section:

Restraining
orders

- 17a.—(1) Where a person is charged with failure to comply with the order of an inspector given under section 17, a judge or local judge of the Supreme

SECTION 7. Self-explanatory.

SECTION 8—Subsections 1 and 2. The intent is clarified.

Subsection 3. The penalty is increased and is transferred to section 22 of the Act. See section 15 of this Bill.

SECTION 9. This section is new. It is designed in the interests of safety to enforce compliance with stop-work orders.

SECTION 10. The duty to take safety precautions for workmen is broadened.

SECTION 11. Self-explanatory

Court may, upon the application of the inspector who gave the order and upon two clear days notice to the accused person, grant an order restraining the accused person and any other person having knowledge of the restraining order from continuing the work specified in the restraining order until the final disposition of the charge, other than such work as is necessary to carry out the inspector's order.

- (2) A restraining order may be made under subsection 1 ^{Idem} *ex parte* for a period not exceeding five days.
- (3) A restraining order under this section may be entered ^{Idem} and enforced in the same manner as an order or judgment of the Supreme Court.

10. Section 18 of *The Construction Safety Act, 1961-62* ^{1961-62, c. 18, s. 18, re-enacted} is repealed and the following substituted therefor:

- 18.—(1) A constructor shall ensure that the equipment, ^{Duty of constructors} materials and the safeguards prescribed by the regulations are provided on the project.
- (2) A constructor shall ensure that such equipment, ^{Idem} materials and safeguards as are provided by him are maintained in good condition and used as prescribed.
- (3) In addition to compliance with subsections 1 and 2, ^{Idem} a constructor shall take every precaution that is reasonable in the circumstances to ensure the safety of all persons on the project.
- (4) Every subcontractor shall ensure that such equipment, ^{Duty of sub-contractors} materials and safeguards as are provided by him are maintained in good condition and used as prescribed.
- (5) In addition to compliance with subsection 4, a sub- ^{Idem} contractor shall take every precaution that is reasonable in the circumstances to ensure the safety of all persons on the part or parts of the project under his direct control.

11. *The Construction Safety Act, 1961-62* is amended by ^{1961-62, c. 18, amended} adding thereto the following section:

- 18a.—(1) No person under the age of sixteen years shall ^{Minimum age} work on a project.
- (2) No person shall employ a person under the age of ^{Idem} sixteen years on a project.

Idem

- (3) Notwithstanding subsections 1 and 2, a person who has attained the age of fifteen years may be employed in such parts of a project as are designated by the regulations.

1961-62,
c. 18, s. 19,
amended

12. Section 19 of *The Construction Safety Act, 1961-62* is amended by striking out "workman" in the first line and inserting in lieu thereof "person", so that the section shall read as follows:

Offences

19. Every person on a project who,

- (a) by his conduct endangers his safety or that of other persons; or
- (b) fails to use or wear protective devices or clothing when required by his employer,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$500.

1961-62,
c. 18,
amended

13. *The Construction Safety Act, 1961-62* is amended by adding thereto the following section:

Bodily
injury

19b.—(1) Where an accident, industrial disease, explosion or fire causes bodily injury to a person on a project whereby he is prevented or is likely to be prevented for three days from working and such occurrence does not require notice to an inspector under section 20, a notice in writing of the occurrence shall be given to the chief officer by the person's employer stating,

- (a) the person's name, age and address; and
- (b) the location, time, nature and cause of the occurrence.

Notice

- (2) Such notice shall be given within four days after the occurrence.

Idem

- (3) A true copy of the notice required to be given by an employer to the Workmen's Compensation Board by section 115 of *The Workmen's Compensation Act* may be delivered or mailed to the chief officer as sufficient notice under subsection 1.

R.S.O. 1960,
c. 437

1961-62,
c. 18, s. 20,
subs. 1a
(1962-63,
c. 22, s. 11,
subs. 2),
re-enacted

14. Subsection 1a of section 20 of *The Construction Safety Act, 1961-62*, as enacted by subsection 2 of section 11 of *The Construction Safety Amendment Act, 1962-63*, is repealed and the following substituted therefor:

SECTION 12. The scope of the offence is broadened.

SECTION 13. This provision is new. It is self-explanatory.

SECTION 14. This procedure applies only to accidents where a workman on a project is killed or critically injured.

SECTION 15. In the new subsection 2, an additional penalty is provided for each day upon which there is failure to comply with a stop-work order.

The new subsection 3 prescribes that, where an offence under the Act is committed by a corporation, the maximum penalty is increased to \$5,000.

SECTION 16. This clause will confer power on the Lieutenant Governor in Council to make a regulation on the subject-matter stated. It is complementary to section 11 of this Bill.

- (1a) An inspector who receives a notice under subsection 1 shall, Notice to chief officer

- (a) immediately upon receipt thereof, notify the chief officer by telephone, telegram or in person of the occurrence mentioned in the notice;
- (b) immediately upon receipt of the employer's report under subsection 1, send a copy thereof to the chief officer; and
- (c) forthwith investigate the circumstances of the occurrence and, where practicable, determine the cause or causes of the occurrence, and report in writing thereon to the chief officer with his recommendations for preventing a repetition of the occurrence and, where the inspector is a municipal inspector, send a copy of the report to the council of his municipality.

15. Section 22 of *The Construction Safety Act, 1961-62* is 1961-62, c. 18, s. 22, amended amended by adding thereto the following subsections:

- (2) Every person to whom an order is given under section 17 who fails to comply with it in accordance with its terms is guilty of an offence and on summary conviction is, in addition to the penalties mentioned in subsection 1, liable to a fine of not more than \$100 per day for every day upon which the offence continued after such order was given. Penalty for failure to comply with stop-work order
- (3) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed is \$5,000 and not as provided therein. Penalty for corporation

16. Subsection 2 of section 24 of *The Construction Safety Act, 1961-62* is 1961-62, c. 18, s. 24, subs. 2, amended amended by adding thereto the following clause:

- (ca) designating parts of projects for the purpose of section 18a.

17. This Act comes into force on the day it receives Royal Assent. Commencement

18. This Act may be cited as *The Construction Safety Amendment Act, 1965*. Short title

An Act to amend
The Construction Safety Act, 1961-62

1st Reading

February 8th, 1965

2nd Reading

February 19th, 1965

3rd Reading

MR. ROWNTREE

(Reprinted as amended by the
Committee of the Whole House)

BILL 19

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Construction Safety Act, 1961-62

MR. ROWNTREE

Received of the Treasurer of the
 the sum of \$100.00

For the sum of \$100.00

1888

BILL 19

1965

**An Act to amend
The Construction Safety Act, 1961-62**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Construction Safety Act, 1961-62* ^{1961-62, c. 18, s. 1, amended} is amended by relettering clause *a* as clause *ab* and by adding thereto the following clauses:

- (a) “chief officer” means the officer of the Department of Labour designated by the Deputy Minister as chief officer for the purposes of this Act;
- (aa) “constructor” means a person who contracts with the owner of a project for the work thereon, and includes an owner who,
 - (i) contracts with more than one person for the work on a project, or
 - (ii) undertakes the work on a project or any part thereof;
- (da) “owner” means the person for whose direct benefit a project exists upon its completion.

(2) Clause *f* of the said section 1, as re-enacted by section 2 ^{1961-62, c. 18, s. 1, cl. 7} of *The Construction Safety Amendment Act, 1962-63*, is amended ^{(1962-63, c. 22, s. 2), amended} by inserting after “well” in the first line of subclause iv “other than an oil or gas well” and by adding at the end thereof “but does not include a shaft, tunnel, caisson or coffer dam to which any regulation under subsection 1 of section 10 of *The Department of Labour Act*, as amended or remade from time to time, applies”, so that the clause shall read as follows:

(f) "project" means,

(i) a building or other structure that is being constructed, altered, repaired, demolished or moved,

R.S.O. 1960,
c. 407

(ii) a trench as defined in *The Trench Excavators' Protection Act* that is being excavated, altered, repaired or back-filled,

(iii) a street or highway that is being built, altered, repaired, demolished or moved,

(iv) a well, other than an oil or gas well, that is being dug, drilled, altered, repaired or back-filled,

and includes all appurtenances thereof, but does not include a shaft, tunnel, caisson or coffer dam to which any regulation under subsection 1 of section 10 of *The Department of Labour Act*, as amended or remade from time to time, applies.

R.S.O. 1960,
c. 97

1961-62,
c. 18, s. 1,
amended

(3) The said section 1 is further amended by adding thereto the following clause:

(i) "subcontractor" means a person who contracts with a constructor for the work on part of a project, and includes a person who contracts with a subcontractor for work on a part of the project.

1961-62,
c. 18, s. 3,
subs. 1,
cl. c,
amended

2. Clause *c* of subsection 1 of section 3 of *The Construction Safety Act, 1961-62* is amended by adding at the end thereof "and, notwithstanding clause *a*, the work is being done solely by the owner in person with or without the assistance of his farm help", so that the clause shall read as follows:

(c) that is situate on a farm and that is to be used or is used only for farming purposes and, notwithstanding clause *a*, the work is being done solely by the owner in person with or without the assistance of his farm help.

1961-62,
c. 18, s. 7,
subs. 1,
amended

3.—(1) Subsection 1 of section 7 of *The Construction Safety Act, 1961-62* is amended by inserting after "municipalities" in the first line "that are required by this Act to appoint one or more persons as inspectors", so that the subsection shall read as follows:

(1) The councils of two or more municipalities that are required by this Act to appoint one or more persons as inspectors may enter into an agreement under which the inspector or inspectors of one of them will enforce this Act and the regulations in the other or others upon such terms and conditions as are agreed upon.

Appoint-
ment and
duties of
inspectors,
joint
agreements
1961-62,
c. 18, s. 7,
subs. 2,
repealed

(2) Subsection 2 of the said section 7 is repealed.

4. Sections 8 and 9 of *The Construction Safety Act, 1961-62* are repealed.

1961-62,
c. 18,
ss. 8, 9,
repealed

5.—(1) Subsection 1 of section 13 of *The Construction Safety Act, 1961-62* is amended by striking out "the same" in the fifth line and inserting in lieu thereof "any matter related to a project".

1961-62,
c. 18, s. 13,
subs. 1,
amended

(2) Subsection 2 of the said section 13 is amended by striking out "under subsection 1" in the fifth line and inserting in lieu thereof "in the exercise of his duties under this Act", so that the subsection shall read as follows:

1961-62,
c. 18, s. 13,
subs. 2,
amended

(2) No person shall neglect or refuse to produce drawings and specifications as required by an inspector under subsection 1, and no person shall furnish an inspector with false information or neglect or refuse to furnish information required by an inspector in the exercise of his duties under this Act.

False
information,
etc.

6. Section 15a of *The Construction Safety Act, 1961-62*, as enacted by section 8 of *The Construction Safety Amendment Act, 1962-63*, is repealed and the following substituted therefor:

1961-62,
c. 18, s. 15a
(1962-63,
c. 22, s. 8),
re-enacted

15a.—(1) The official of a municipality who issues a building permit for a project shall within seven days of the issue thereof notify in writing the inspector appointed to enforce this Act in that municipality,

Notice of
project,
where
building
permit
required

(a) of the name and address of the person to whom the permit was given;

(b) of the location and nature of the project; and

(c) of the estimated cost of the project.

(2) Where no municipal building permit for a project is required, the constructor of a project shall before commencing work on the project notify in writing the inspector appointed to enforce this Act in the locality in which the project is located,

Idem,
where no
building
permit
required

(a) of his name and address;

(b) of the location and nature of the project; and

(c) of the estimated cost of the project.

1961-62,
c. 18, s. 16,
amended

7. Section 16 of *The Construction Safety Act, 1961-62*, as amended by section 9 of *The Construction Safety Amendment Act, 1962-63*, is further amended by adding thereto the following subsection:

Report
as to
offences

- (3) Every municipal inspector or, where there is more than one, the senior in appointment shall, immediately upon the disposition of each charge alleging a breach of this Act or the regulations in the municipality, submit to the Deputy Minister a report in the prescribed form of the disposition of the charge.

1961-62,
c. 18, s. 17,
subs. 1,
cl. a,
amended

8.—(1) Clause *a* of subsection 1 of section 17 of *The Construction Safety Act, 1961-62* is amended by inserting after “with” in the fifth line “to the satisfaction of an inspector”, so that the clause shall read as follows:

- (a) where the order specifies that it be carried out forthwith, all work on the project or the part thereof specified in the order, other than such work as is necessary to carry out the order with safety, shall stop until the order is complied with to the satisfaction of an inspector; or

.

1961-62,
c. 18, s. 17,
subs. 1,
cl. b,
amended

(2) Clause *b* of subsection 1 of the said section 17 is amended by adding at the end thereof “to the satisfaction of an inspector”, so that the clause shall read as follows:

- (b) where the order specifies the period within which it is to be carried out and it is not carried out within that period, all work on the project or the part thereof specified in the order, other than such work as is necessary to carry out the order with safety, shall stop until the order is complied with to the satisfaction of an inspector.

1961-62,
c. 18, s. 17,
subs. 3,
re-enacted

(3) Subsection 3 of the said section 17 is repealed and the following substituted therefor:

Duty to
comply

- (3) Every person to whom an order under this Act is given shall comply with it in accordance with its terms.

1961-62,
c. 18,
amended

9. *The Construction Safety Act, 1961-62* is amended by adding thereto the following section:

Restraining
orders

- 17a.—(1) Where a person is charged with failure to comply with the order of an inspector given under section 17, a judge or local judge of the Supreme

Court may, upon the application of the inspector who gave the order and upon two clear days notice to the accused person, grant an order restraining the accused person and any other person having knowledge of the restraining order from continuing the work specified in the restraining order until the final disposition of the charge, other than such work as is necessary to carry out the inspector's order.

(2) A restraining order may be made under subsection 1 ^{Idem} *ex parte* for a period not exceeding five days.

(3) A restraining order under this section may be entered ^{Idem} and enforced in the same manner as an order or judgment of the Supreme Court.

10. Section 18 of *The Construction Safety Act, 1961-62* ^{1961-62, c. 18, s. 18, re-enacted} is repealed and the following substituted therefor:

18.—(1) A constructor shall ensure that the equipment, materials and the safeguards prescribed by the regulations are provided on the project. ^{Duty of constructors}

(2) A constructor shall ensure that such equipment, materials and safeguards as are provided by him are maintained in good condition and used as prescribed. ^{Idem}

(3) In addition to compliance with subsections 1 and 2, a constructor shall take every precaution that is reasonable in the circumstances to ensure the safety of all persons on the project. ^{Idem}

(4) Every subcontractor shall ensure that such equipment, materials and safeguards as are provided by him are maintained in good condition and used as prescribed. ^{Duty of sub-contractors}

(5) In addition to compliance with subsection 4, a subcontractor shall take every precaution that is reasonable in the circumstances to ensure the safety of all persons on the part or parts of the project under his direct control. ^{Idem}

11. *The Construction Safety Act, 1961-62* is amended by adding thereto the following section: ^{1961-62, c. 18, amended}

18a.—(1) No person under the age of sixteen years shall work on a project. ^{Minimum age}

(2) No person shall employ a person under the age of sixteen years on a project. ^{Idem}

Idem

- (3) Notwithstanding subsections 1 and 2, a person who has attained the age of fifteen years may be employed in such parts of a project as are designated by the regulations.

1961-62,
c. 18, s. 19,
amended

12. Section 19 of *The Construction Safety Act, 1961-62* is amended by striking out "workman" in the first line and inserting in lieu thereof "person", so that the section shall read as follows:

Offences

19. Every person on a project who,

- (a) by his conduct endangers his safety or that of other persons; or
- (b) fails to use or wear protective devices or clothing when required by his employer,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$500.

1961-62,
c. 18,
amended

13. *The Construction Safety Act, 1961-62* is amended by adding thereto the following section:

Bodily injury

19b.—(1) Where an accident, industrial disease, explosion or fire causes bodily injury to a person on a project whereby he is prevented or is likely to be prevented for three days from working and such occurrence does not require notice to an inspector under section 20, a notice in writing of the occurrence shall be given to the chief officer by the person's employer stating,

- (a) the person's name, age and address; and
- (b) the location, time, nature and cause of the occurrence.

Notice

- (2) Such notice shall be given within four days after the occurrence.

Idem

- (3) A true copy of the notice required to be given by an employer to the Workmen's Compensation Board by section 115 of *The Workmen's Compensation Act* may be delivered or mailed to the chief officer as sufficient notice under subsection 1.

R.S.O. 1960,
c. 437

1961-62,
c. 18, s. 20,
subs. 1a
(1962-63,
c. 22, s. 11,
subs. 2),
re-enacted

14. Subsection 1a of section 20 of *The Construction Safety Act, 1961-62*, as enacted by subsection 2 of section 11 of *The Construction Safety Amendment Act, 1962-63*, is repealed and the following substituted therefor:

(1a) An inspector who receives a notice under subsection 1 shall, Notice to chief officer

- (a) immediately upon receipt thereof, notify the chief officer by telephone, telegram or in person of the occurrence mentioned in the notice;
- (b) immediately upon receipt of the employer's report under subsection 1, send a copy thereof to the chief officer; and
- (c) forthwith investigate the circumstances of the occurrence and, where practicable, determine the cause or causes of the occurrence, and report in writing thereon to the chief officer with his recommendations for preventing a repetition of the occurrence and, where the inspector is a municipal inspector, send a copy of the report to the council of his municipality.

15. Section 22 of *The Construction Safety Act, 1961-62* is amended by adding thereto the following subsections: 1961-62, c. 18, s. 22, amended

- (2) Every person to whom an order is given under section 17 who fails to comply with it in accordance with its terms is guilty of an offence and on summary conviction is, in addition to the penalties mentioned in subsection 1, liable to a fine of not more than \$100 per day for every day upon which the offence continued after such order was given. Penalty for failure to comply with stop-work order

- (3) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed is \$5,000 and not as provided therein. Penalty for corporation

16. Subsection 2 of section 24 of *The Construction Safety Act, 1961-62* is amended by adding thereto the following clause: 1961-62, c. 18, s. 24, subs. 2, amended

- (ca) designating parts of projects for the purpose of section 18a.

17. This Act comes into force on the day it receives Royal Assent. Commencement

18. This Act may be cited as *The Construction Safety Amendment Act, 1965*. Short title

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An Act to amend
The Construction Safety Act, 1961-62

1st Reading

February 8th, 1965

2nd Reading

February 19th, 1965

3rd Reading

April 2nd, 1965

Mr. ROWNTREE

BILL 20

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Dog Tax and Cattle, Sheep and Poultry Protection Act

MR. STEWART

EXPLANATORY NOTES

Generally, the purpose of the Bill is to extend the provisions of Part II of *The Dog Tax and Cattle, Sheep and Poultry Protection Act* to include goats and swine.

The title of the Act is changed to *The Dog Tax and Live Stock and Poultry Protection Act*. "Live stock" is defined in the Bill to mean cattle, goats, sheep or swine.

Section 2 of the Bill re-enacts subsection 1 of section 6 of the Act to clarify the intent that the councils of all towns, townships and villages have authority to pass by-laws under the subsection.

BILL 20

1965

An Act to amend The Dog Tax and Cattle, Sheep and Poultry Protection Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The title to *The Dog Tax and Cattle, Sheep and Poultry Protection Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 111,
title,
re-enacted

THE DOG TAX AND LIVE STOCK AND POULTRY PROTECTION ACT

2. Subsection 1 of section 6 of *The Dog Tax and Cattle, Sheep and Poultry Protection Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 111, s. 6,
subs. 1,
re-enacted

- (1) By-laws may be passed by councils of towns, townships and villages and of cities having a population of less than 100,000, and by boards of commissioners of police in cities having a population of not less than 100,000, for prohibiting or regulating the running at large of dogs in the municipality or in any defined area thereof, for seizing and impounding and for killing, whether before or after impounding, dogs running at large contrary to the by-law, and for selling dogs so impounded at such time and in such manner as is provided by the by-law. Prohibiting
or regul-
ating the
running at
large of
dogs

3. The heading immediately preceding section 9 of *The Dog Tax and Cattle, Sheep and Poultry Protection Act* is struck out and the following substituted therefor: R.S.O. 1960,
c. 111,
amended

PROTECTION OF LIVE STOCK AND POULTRY

- 4.—(1) Clause *a* of section 9 of *The Dog Tax and Cattle, Sheep and Poultry Protection Act* is repealed. R.S.O. 1960,
c. 111, s. 9,
cl. a,
repealed

R.S.O. 1960,
c. 111, s. 9,
cl. c,
amended (2) Clause *c* of the said section 9 is amended by striking out "cattle, sheep" in the first line and inserting in lieu thereof "live stock".

R.S.O. 1960,
c. 111, s. 9,
amended (3) The said section 9 is amended by adding thereto the following clause:

(d) "live stock" means cattle, goats, sheep or swine.

R.S.O. 1960,
c. 111, s. 10,
cl. a,
amended **5.**—(1) Clause *a* of section 10 of *The Dog Tax and Cattle, Sheep and Poultry Protection Act* is amended by striking out "cattle, sheep" in the first line and inserting in lieu thereof "live stock".

R.S.O. 1960,
c. 111, s. 10,
cl. c,
amended (2) Clause *c* of the said section 10 is amended by striking out "cattle, sheep" in the second line and inserting in lieu thereof "live stock".

R.S.O. 1960,
c. 111, s. 11,
subs. 1,
amended **6.**—(1) Subsection 1 of section 11 of *The Dog Tax and Cattle, Sheep and Poultry Protection Act* is amended by striking out "cattle, sheep" in the second line, in the fourth line, in the sixth line, in the seventh and eighth lines and in the tenth line and inserting in lieu thereof in each instance "live stock".

R.S.O. 1960,
c. 111, s. 11,
subs. 2,
cl. a,
amended (2) Clause *a* of subsection 2 of the said section 11 is amended by striking out "cattle, sheep" in the first line and inserting in lieu thereof "live stock".

R.S.O. 1960,
c. 111, s. 11,
subs. 2,
cl. c,
amended (3) Clause *c* of subsection 2 of the said section 11 is amended by striking out "cattle, sheep" in the second line and inserting in lieu thereof "live stock".

R.S.O. 1960,
c. 111, s. 11,
subs. 3,
amended (4) Subsection 3 of the said section 11 is amended by striking out "cattle, sheep" in the second line and in the fourth line and by striking out "cattle or sheep" in the sixth and seventh lines and inserting in lieu thereof in each instance "live stock".

R.S.O. 1960,
c. 111, s. 12,
subs. 1,
amended **7.**—(1) Subsection 1 of section 12 of *The Dog Tax and Cattle, Sheep and Poultry Protection Act* is amended by striking out "cattle, sheep" in the second line and inserting in lieu thereof "live stock".

R.S.O. 1960,
c. 111, s. 12,
subs. 2,
amended (2) Subsection 2 of the said section 12 is amended by striking out "cattle, sheep" in the first line, in the second line, in the seventh line and in the fourteenth line and inserting in lieu thereof in each instance "live stock".

R.S.O. 1960,
c. 111, s. 12,
subs. 3,
re-enacted (3) Subsection 3 of the said section 12 is repealed and the following substituted therefor:

- (3) Where the valuer finds evidence that to the best of his knowledge and belief shows, Denial of liability

(a) that any of the live stock or poultry was not killed or injured by a dog; or

(b) that the killing or injuring was caused by a dog owned by or habitually kept on the premises of the owner of the live stock or poultry; or

(c) that the owner had not taken reasonable care to prevent the killing or injuring of his live stock or poultry by dogs,

the valuer shall include in his report to the clerk of the local municipality and to the owner of the live stock or poultry a statement of his belief and shall make forthwith a further report to the clerk of the municipality giving particulars of the evidence found, and the council of the municipality may thereupon deny liability in whole or in part by written notice given by the clerk of the municipality to the owner of the live stock or poultry within thirty days after the filing of his affidavit with the clerk.

(4) Subsection 5 of the said section 12 is amended by striking out "cattle, sheep" in the first line and in the second line and inserting in lieu thereof in each instance "live stock". R.S.O. 1960, c. 111, s. 12, subs. 5, amended

(5) Subsection 6 of the said section 12 is amended by striking out "cattle, sheep" in the first line and inserting in lieu thereof "live stock". R.S.O. 1960, c. 111, s. 12, subs. 6, amended

(6) Subsection 8 of the said section 12 is amended by striking out "cattle, sheep" in the fourth line and in the ninth line and inserting in lieu thereof in each instance "live stock". R.S.O. 1960, c. 111, s. 12, subs. 8, amended

(7) Subsection 9 of the said section 12 is amended by striking out "cattle, sheep" in the fourth line and inserting in lieu thereof "live stock". R.S.O. 1960, c. 111, s. 12, subs. 9, amended

(8) Clauses *b* and *c* of subsection 10 of the said section 12 are repealed and the following substituted therefor: R.S.O. 1960, c. 111, s. 12, subs. 10, cls. b, c, re-enacted

(b) a goat in excess of \$100;

(c) a head of sheep in excess of \$100;

(d) a head of swine in excess of \$100; or

(e) poultry of one owner, killed or injured in any year, in excess of \$1,000.

R.S.O. 1960,
c. 111, s. 13,
amended

8. Section 13 of *The Dog Tax and Cattle, Sheep and Poultry Protection Act* is amended by striking out "cattle, sheep" in the second line and in the sixth line and inserting in lieu thereof in each instance "live stock".

R.S.O. 1960,
c. 111, s. 14,
amended

9. Section 14 of *The Dog Tax and Cattle, Sheep and Poultry Protection Act* is amended by striking out "cattle, sheep" in the second line and inserting in lieu thereof "live stock".

R.S.O. 1960,
c. 111, s. 16,
subs. 1,
amended

10. Subsection 1 of section 16 of *The Dog Tax and Cattle, Sheep and Poultry Protection Act* is amended by striking out "cattle, sheep" in the second line and inserting in lieu thereof "live stock".

R.S.O. 1960,
c. 111, s. 17,
amended

11. Section 17 of *The Dog Tax and Cattle, Sheep and Poultry Protection Act* is amended by striking out "cattle, sheep" in the second line, in the third line and in the seventh line and inserting in lieu thereof in each instance "live stock".

Commence-
ment

12. This Act comes into force on the day it receives Royal Assent.

Short title

13. This Act may be cited as *The Dog Tax and Cattle, Sheep and Poultry Protection Amendment Act, 1965*.

An Act to amend The Dog Tax and Cattle,
Sheep and Poultry Protection Act

1st Reading

February 8th, 1965

2nd Reading

3rd Reading

MR. STEWART

BILL 20

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Dog Tax and Cattle, Sheep and Poultry Protection Act

MR. STEWART

1880-1881

1880-1881

1880-1881

1880-1881

BILL 20

1965

An Act to amend The Dog Tax and Cattle, Sheep and Poultry Protection Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** The title to *The Dog Tax and Cattle, Sheep and Poultry Protection Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 111,
title,
re-enacted

THE DOG TAX AND LIVE STOCK AND POULTRY PROTECTION ACT

- 2.** Subsection 1 of section 6 of *The Dog Tax and Cattle, Sheep and Poultry Protection Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 111, s. 6,
subs. 1,
re-enacted

- (1) By-laws may be passed by councils of towns, townships and villages and of cities having a population of less than 100,000, and by boards of commissioners of police in cities having a population of not less than 100,000, for prohibiting or regulating the running at large of dogs in the municipality or in any defined area thereof, for seizing and impounding and for killing, whether before or after impounding, dogs running at large contrary to the by-law, and for selling dogs so impounded at such time and in such manner as is provided by the by-law. Prohibiting
or regul-
ating the
running at
large of
dogs

- 3.** The heading immediately preceding section 9 of *The Dog Tax and Cattle, Sheep and Poultry Protection Act* is struck out and the following substituted therefor: R.S.O. 1960,
c. 111,
amended
re-enacted

PROTECTION OF LIVE STOCK AND POULTRY

- 4.**—(1) Clause *a* of section 9 of *The Dog Tax and Cattle, Sheep and Poultry Protection Act* is repealed. R.S.O. 1960,
c. 111, s. 9,
cl. a,
repealed

R.S.O. 1960,
c. 111, s. 9,
cl. c,
amended (2) Clause *c* of the said section 9 is amended by striking out "cattle, sheep" in the first line and inserting in lieu thereof "live stock".

R.S.O. 1960,
c. 111, s. 9,
amended (3) The said section 9 is amended by adding thereto the following clause:

(d) "live stock" means cattle, goats, sheep or swine.

R.S.O. 1960,
c. 111, s. 10,
cl. a,
amended **5.**—(1) Clause *a* of section 10 of *The Dog Tax and Cattle, Sheep and Poultry Protection Act* is amended by striking out "cattle, sheep" in the first line and inserting in lieu thereof "live stock".

R.S.O. 1960,
c. 111, s. 10,
cl. c,
amended (2) Clause *c* of the said section 10 is amended by striking out "cattle, sheep" in the second line and inserting in lieu thereof "live stock".

R.S.O. 1960,
c. 111, s. 11,
subs. 1,
amended **6.**—(1) Subsection 1 of section 11 of *The Dog Tax and Cattle, Sheep and Poultry Protection Act* is amended by striking out "cattle, sheep" in the second line, in the fourth line, in the sixth line, in the seventh and eighth lines and in the tenth line and inserting in lieu thereof in each instance "live stock".

R.S.O. 1960,
c. 111, s. 11,
subs. 2,
cl. a,
amended (2) Clause *a* of subsection 2 of the said section 11 is amended by striking out "cattle, sheep" in the first line and inserting in lieu thereof "live stock".

R.S.O. 1960,
c. 111, s. 11,
subs. 2,
cl. c,
amended (3) Clause *c* of subsection 2 of the said section 11 is amended by striking out "cattle, sheep" in the second line and inserting in lieu thereof "live stock".

R.S.O. 1960,
c. 111, s. 11,
subs. 3,
amended (4) Subsection 3 of the said section 11 is amended by striking out "cattle, sheep" in the second line and in the fourth line and by striking out "cattle or sheep" in the sixth and seventh lines and inserting in lieu thereof in each instance "live stock".

R.S.O. 1960,
c. 111, s. 12,
subs. 1,
amended **7.**—(1) Subsection 1 of section 12 of *The Dog Tax and Cattle, Sheep and Poultry Protection Act* is amended by striking out "cattle, sheep" in the second line and inserting in lieu thereof "live stock".

R.S.O. 1960,
c. 111, s. 12,
subs. 2,
amended (2) Subsection 2 of the said section 12 is amended by striking out "cattle, sheep" in the first line, in the second line, in the seventh line and in the fourteenth line and inserting in lieu thereof in each instance "live stock".

R.S.O. 1960,
c. 111, s. 12,
subs. 3,
re-enacted (3) Subsection 3 of the said section 12 is repealed and the following substituted therefor:

- (3) Where the valuer finds evidence that to the best of his knowledge and belief shows, Denial of liability

- (a) that any of the live stock or poultry was not killed or injured by a dog; or
- (b) that the killing or injuring was caused by a dog owned by or habitually kept on the premises of the owner of the live stock or poultry; or
- (c) that the owner had not taken reasonable care to prevent the killing or injuring of his live stock or poultry by dogs,

the valuer shall include in his report to the clerk of the local municipality and to the owner of the live stock or poultry a statement of his belief and shall make forthwith a further report to the clerk of the municipality giving particulars of the evidence found, and the council of the municipality may thereupon deny liability in whole or in part by written notice given by the clerk of the municipality to the owner of the live stock or poultry within thirty days after the filing of his affidavit with the clerk.

- (4) Subsection 5 of the said section 12 is amended by striking out "cattle, sheep" in the first line and in the second line and inserting in lieu thereof in each instance "live stock". R.S.O. 1960,
c. 111, s. 12,
subs. 5,
amended

- (5) Subsection 6 of the said section 12 is amended by striking out "cattle, sheep" in the first line and inserting in lieu thereof "live stock". R.S.O. 1960,
c. 111, s. 12,
subs. 6,
amended

- (6) Subsection 8 of the said section 12 is amended by striking out "cattle, sheep" in the fourth line and in the ninth line and inserting in lieu thereof in each instance "live stock". R.S.O. 1960,
c. 111, s. 12,
subs. 8,
amended

- (7) Subsection 9 of the said section 12 is amended by striking out "cattle, sheep" in the fourth line and inserting in lieu thereof "live stock". R.S.O. 1960,
c. 111, s. 12,
subs. 9,
amended

- (8) Clauses *b* and *c* of subsection 10 of the said section 12 are repealed and the following substituted therefor: R.S.O. 1960,
c. 111, s. 12,
subs. 10,
cls. *b*, *c*,
re-enacted

(b) a goat in excess of \$100;

(c) a head of sheep in excess of \$100;

(d) a head of swine in excess of \$100; or

(e) poultry of one owner, killed or injured in any year, in excess of \$1,000.

R.S.O. 1960,
c. 111, s. 13,
amended

8. Section 13 of *The Dog Tax and Cattle, Sheep and Poultry Protection Act* is amended by striking out "cattle, sheep" in the second line and in the sixth line and inserting in lieu thereof in each instance "live stock".

R.S.O. 1960,
c. 111, s. 14,
amended

9. Section 14 of *The Dog Tax and Cattle, Sheep and Poultry Protection Act* is amended by striking out "cattle, sheep" in the second line and inserting in lieu thereof "live stock".

R.S.O. 1960,
c. 111, s. 16,
subs. 1,
amended

10. Subsection 1 of section 16 of *The Dog Tax and Cattle, Sheep and Poultry Protection Act* is amended by striking out "cattle, sheep" in the second line and inserting in lieu thereof "live stock".

R.S.O. 1960,
c. 111, s. 17,
amended

11. Section 17 of *The Dog Tax and Cattle, Sheep and Poultry Protection Act* is amended by striking out "cattle, sheep" in the second line, in the third line and in the seventh line and inserting in lieu thereof in each instance "live stock".

Commence-
ment

12. This Act comes into force on the day it receives Royal Assent.

Short title

13. This Act may be cited as *The Dog Tax and Cattle, Sheep and Poultry Protection Amendment Act, 1965*.

An Act to amend The Dog Tax and Cattle,
Sheep and Poultry Protection Act

1st Reading

February 8th, 1965

2nd Reading

February 19th, 1965

3rd Reading

April 2nd, 1965

MR. STEWART

BILL 21

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Weed Control Act

MR. STEWART

EXPLANATORY NOTES

SECTION 1. Section 3 of the Act imposes a duty to destroy noxious weeds to prevent their spreading. The amendment provides for the control of harmful conditions created by noxious weeds.

SECTION 2. Complementary to section 1.

SECTION 3. Self-explanatory.

BILL 21

1965

An Act to amend The Weed Control Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 3 of *The Weed Control Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 427, s. 3,
subs. 1,
re-enacted

(1) Every person in possession of land shall destroy all noxious weeds thereon as often and at such times in every year as is necessary, Duty to
destroy
noxious
weeds

(a) to prevent the ripening of their seeds;

(b) to prevent the dispersal of,

(i) their pollens, and

(ii) grain rust spores produced on them;
and

(c) to eliminate their toxic parts.

2. Subsection 1 of section 10 of *The Weed Control Act* is amended by striking out "within such period of time as is necessary to prevent the weed seeds from ripening" in the fourth and fifth lines, so that the subsection shall read as follows: R.S.O. 1960,
c. 427, s. 10,
subs. 1,
amended

(1) Where an inspector finds noxious weeds or weed seeds on land in the area within his jurisdiction, he may order the person in possession of the land to destroy the noxious weeds or weed seeds. Order for
destruction
of weeds

3. Section 13 of *The Weed Control Act* is amended by striking out "nine" in the seventh line and inserting in lieu thereof "ten", so that the section shall read as follows: R.S.O. 1960,
c. 427, s. 13,
amended

Destruction
of weeds in
subdivided
areas

13. Notwithstanding any other provision of this Act, the council of any city, town, village or township, after publication of notice thereof in a newspaper having general circulation in the municipality, may direct any of its inspectors or the county weed inspector to cause the noxious weeds or weed seeds on any subdivided portions of the municipality, and lots not exceeding ten acres whether or not the lots are part of a subdivision, to be destroyed in the manner prescribed in the regulations, and the inspector shall report to the clerk of the municipality the amount of the expenses incurred by him in the discharge of his duties under this section with respect to each parcel of land concerned, and the clerk shall place on the collector's roll of the municipality the amounts so expended against the respective parcels concerned, and such amounts shall be collected in the same manner as taxes under *The Assessment Act*, subject to an appeal to the court of revision of the municipality, in the same manner as for taxes under section 131 of *The Assessment Act*.

R.S.O. 1960,
c. 23

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Weed Control Amendment Act, 1965*.

An Act to amend The Weed Control Act

1st Reading

February 8th, 1965

2nd Reading

3rd Reading

MR. STEWART

BILL 21

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Weed Control Act

MR. STEWART

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BILL 21

1965

An Act to amend The Weed Control Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 3 of *The Weed Control Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 427, s. 3,
subs. 1,
re-enacted

(1) Every person in possession of land shall destroy all noxious weeds thereon as often and at such times in every year as is necessary, Duty to
destroy
noxious
weeds

(a) to prevent the ripening of their seeds;

(b) to prevent the dispersal of,

(i) their pollens, and

(ii) grain rust spores produced on them;
and

(c) to eliminate their toxic parts.

2. Subsection 1 of section 10 of *The Weed Control Act* is amended by striking out "within such period of time as is necessary to prevent the weed seeds from ripening" in the fourth and fifth lines, so that the subsection shall read as follows: R.S.O. 1960,
c. 427, s. 10,
subs. 1,
amended

(1) Where an inspector finds noxious weeds or weed seeds on land in the area within his jurisdiction, he may order the person in possession of the land to destroy the noxious weeds or weed seeds. Order for
destruction
of weeds

3. Section 13 of *The Weed Control Act* is amended by striking out "nine" in the seventh line and inserting in lieu thereof "ten", so that the section shall read as follows: R.S.O. 1960,
c. 427, s. 13,
amended

Destruction
of weeds in
subdivided
areas

13. Notwithstanding any other provision of this Act, the council of any city, town, village or township, after publication of notice thereof in a newspaper having general circulation in the municipality, may direct any of its inspectors or the county weed inspector to cause the noxious weeds or weed seeds on any subdivided portions of the municipality, and lots not exceeding ten acres whether or not the lots are part of a subdivision, to be destroyed in the manner prescribed in the regulations, and the inspector shall report to the clerk of the municipality the amount of the expenses incurred by him in the discharge of his duties under this section with respect to each parcel of land concerned, and the clerk shall place on the collector's roll of the municipality the amounts so expended against the respective parcels concerned, and such amounts shall be collected in the same manner as taxes under *The Assessment Act*, subject to an appeal to the court of revision of the municipality, in the same manner as for taxes under section 131 of *The Assessment Act*.

R.S.O. 1960,
c. 23

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Weed Control Amendment Act, 1965*.



An Act to amend The Weed Control Act

1st Reading

February 8th, 1965

2nd Reading

February 19th, 1965

3rd Reading

April 2nd, 1965

MR. STEWART

BILL 22

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Highway Traffic Act

MR. SOPHA

EXPLANATORY NOTE

The provision repealed exempts the owner or driver of a motor vehicle from liability for injury to gratuitous passengers.

BILL 22

1965

An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 105 of *The Highway Traffic Act* is repealed. R.S.O. 1960,
c. 172,
s. 105,
subs. 2,
repealed
2. This Act may be cited as *The Highway Traffic Amendment Act, 1965*. Short title

An Act to amend
The Highway Traffic Act

1st Reading

February 8th, 1965

2nd Reading

3rd Reading

MR. SOPHA

BILL 23

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Loggers' Safety Act, 1962-63

MR. ROBERTS

EXPLANATORY NOTES

SECTION 1. The repealed clause defines "Department" as the Department of Labour. The Act is now administered by the Department of Lands and Forests.

SECTION 2. Self-explanatory.

SECTION 3. The procedure respecting the appointment of officers under the Act is simplified.

SECTION 4. Section 9 requires notice to the chief officer of accidents which prevent a logger from working for more than three days. This requirement is reduced to at least three days.

BILL 23

1965

An Act to amend The Loggers' Safety Act, 1962-63

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of section 1 of *The Loggers' Safety Act, 1962-63* is repealed. 1962-63,
c. 76, s. 1,
cl. *a*,
repealed
2. *The Loggers' Safety Act, 1962-63* is amended by adding thereto the following section: 1962-63,
c. 76,
amended
 - 1*a*. The administration of this Act is under the control and direction of the member of the Executive Council designated so to do by the Lieutenant Governor in Council. Administra-
tion of Act
3. Section 3 of *The Loggers' Safety Act, 1962-63* is repealed and the following substituted therefor: 1962-63,
c. 76, s. 3,
re-enacted
 3. There shall be an officer known as the chief officer and such other officers as are deemed necessary for the administration of this Act. Chief and
other
officers
4. Subsection 1 of section 9 of *The Loggers' Safety Act, 1962-63* is amended by striking out "more than" in the third line and inserting in lieu thereof "at least", so that the subsection shall read as follows: 1962-63,
c. 76, s. 9,
subs. 1,
amended
 - (1) Where an accident, industrial disease, explosion or fire causes bodily injury to a logger whereby he is prevented or is likely to be prevented for at least three days from working, a notice of the occurrence in the prescribed form shall be delivered or mailed to the chief officer by the operator. Notice of
accidents
5. This Act comes into force on the day it receives Royal Assent. Commence-
ment
6. This Act may be cited as *The Loggers' Safety Amendment Act, 1965*. Short title

An Act to amend
The Loggers' Safety Act, 1962-63

1st Reading

February 9th, 1965

2nd Reading

3rd Reading

MR. ROBERTS

BILL 23

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Loggers' Safety Act, 1962-63

MR. ROBERTS

THE UNIVERSITY OF CHICAGO

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THE UNIVERSITY OF CHICAGO

BILL 23

1965

**An Act to amend
The Loggers' Safety Act, 1962-63**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of section 1 of *The Loggers' Safety Act, 1962-63* <sup>1962-63,
c. 76, s. 1,
cl. *a*,
repealed</sup> is repealed.
2. *The Loggers' Safety Act, 1962-63* is amended by adding thereto the following section: <sup>1962-63,
c. 76,
amended</sup>
 - 1a. The administration of this Act is under the control and direction of the member of the Executive Council designated so to do by the Lieutenant Governor in Council. <sup>Administra-
tion of Act</sup>
3. Section 3 of *The Loggers' Safety Act, 1962-63* is repealed and the following substituted therefor: <sup>1962-63,
c. 76, s. 3,
re-enacted</sup>
 3. There shall be an officer known as the chief officer and such other officers as are deemed necessary for the administration of this Act. <sup>Chief and
other
officers</sup>
4. Subsection 1 of section 9 of *The Loggers' Safety Act, 1962-63* is amended by striking out "more than" in the third line and inserting in lieu thereof "at least", so that the subsection shall read as follows: <sup>1962-63,
c. 76, s. 9,
subs. 1,
amended</sup>
 - (1) Where an accident, industrial disease, explosion or fire causes bodily injury to a logger whereby he is prevented or is likely to be prevented for at least three days from working, a notice of the occurrence in the prescribed form shall be delivered or mailed to the chief officer by the operator. <sup>Notice of
accidents</sup>
5. This Act comes into force on the day it receives Royal Assent. <sup>Commence-
ment</sup>
6. This Act may be cited as *The Loggers' Safety Amendment Act, 1965*. ^{Short title}

An Act to amend
The Loggers' Safety Act, 1962-63

1st Reading

February 9th, 1965

2nd Reading

February 19th, 1965

3rd Reading

April 14th, 1965

MR. ROBERTS

BILL 24

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act respecting the Water Powers of the Ottawa River

MR. ROBERTS

EXPLANATORY NOTE

This Bill confirms, in so far as Ontario has legislative authority, an agreement between Ontario, Quebec, Ontario Hydro and Hydro-Québec which amends a 1943 agreement (confirmed by *The Ottawa River Water Powers Act, 1943*) respecting the development of the water powers of the Ottawa River by providing for a higher dam at the Cave & Fourneau site near Mattawa.

BILL 24

1965

**An Act respecting
the Water Powers of the Ottawa River**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Agreement between Her Majesty the Queen in right of the Province of Ontario, Her Majesty the Queen in right of the Province of Quebec, The Hydro-Electric Power Commission of Ontario, and Quebec Hydro-Electric Commission, set out in the Schedule hereto, is hereby ratified, validated and confirmed. ^{Agreement ratified, etc.}
2. This Act comes into force on the day it receives Royal Assent. ^{Commencement}
3. This Act may be cited as *The Ottawa River Water Powers Act, 1965*. ^{Short title}

SCHEDULE

THIS INDENTURE made in quadruplicate (first copy) the 9th day of June, 1964,

BETWEEN:

HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF ONTARIO (herein represented by the Honourable A. Kelso Roberts, Minister of Lands and Forests), hereinafter called "Ontario",

OF THE FIRST PART;

HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF QUEBEC (herein represented by the Honourable René Lévesque, Minister of Natural Resources), hereinafter called "Québec",

OF THE SECOND PART;

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO, hereinafter called the "Ontario Commission",

OF THE THIRD PART;

—and—

QUEBEC HYDRO-ELECTRIC COMMISSION, hereinafter called "Hydro-Québec",

OF THE FOURTH PART.

WHEREAS the parties of the First, Second and Third Parts hereto and The Quebec Streams Commission did enter into an Agreement, dated the 2nd day of January, 1943, in respect of the development of the water powers of the Ottawa River (hereinafter called the "Waterpowers Agreement");

AND WHEREAS Hydro-Québec has succeeded to all of the rights, interests, powers, duties, liabilities and obligations of the Quebec Streams Commission under the Waterpowers Agreement;

AND WHEREAS the said Waterpowers Agreement has been ratified by the Legislature of the Province of Quebec by Chapter 20 of the Statutes of Quebec 1943 and by the Legislature of the Province of Ontario by Chapter 21 of the Statutes of Ontario 1943;

AND WHEREAS the said Waterpowers Agreement provided for the utilization of the waterpowers of the Ottawa River at five sites on the said River, three sites by the Ontario Commission by raising the water in the River to the following head-water levels (feet above mean sea-level), namely:

Cave & Fourneaux	575
Des Joachims	500
Chenaux	285

and two sites by Hydro-Québec by raising the water in the River to the following head-water levels (feet above mean sea-level), namely:

Rocher Fendu.....	350
Carillon.....	135

AND WHEREAS with the knowledge of the other parties hereto, the Ontario Commission has utilized the waterpower at Cave & Fourneaux by raising the water in the River to a head-water level of 583 feet;

AND WHEREAS by the Act 4-5 Elizabeth II, Chapter 38, of the Statutes of Quebec 1955-56, the Lieutenant-Governor of the Province of Quebec in Council has been authorized to make an amicable agreement or contract for the settlement of the problem resulting from the said raising of the waters of the Ottawa River, at the site of Cave & Fourneaux;

AND WHEREAS the Lieutenant-Governor of the Province of Quebec by Order-in-Council dated July 29, 1960, bearing No. 1174, has authorized the Minister of Hydraulic Resources to sign this Agreement for the purpose of amending the said Waterpowers Agreement;

AND WHEREAS by the Act 9-10 Elizabeth II, Chapter 48, of the Statutes of Quebec 1960-61, the Minister of Natural Resources has succeeded to all of the rights, duties, liabilities and obligations of the Minister of Hydraulic Resources;

AND WHEREAS it is agreed that the amendments to the said Agreement shall have effect as though the said Waterpowers Agreement had been entered into originally in the form as amended by this Indenture.

NOW THEREFORE THIS INDENTURE WITNESSETH that in consideration of the premises and the other considerations herein appearing the parties hereto agree as hereafter appears.

1. The Ontario Commission shall be deemed to have been entitled to utilize the waterpower of the Ottawa River at the site known as Cave & Fourneaux by raising the water in the River to a head-water level of 583 feet.

2. The Waterpowers Agreement is amended by striking out the figure "575" in referring to the head-water level of the site known as Cave & Fourneaux wherever the said figure appears in the said Waterpowers Agreement and by substituting therefor the figure "583" in referring to the said head-water level. In particular, the figure "583" shall be substituted for the figure "575" where the same appears in the first recital and in clauses 23 (g) and 25 of the Waterpowers Agreement.

3. Over and above the annual rental provided for in the third paragraph of clause 23 (g) of the Waterpowers Agreement, The Hydro-Electric Power Commission of Ontario shall pay to the Department of Natural Resources in Quebec an additional annual rental of two thousand five hundred dollars (\$2,500.00), from the date on which the Cave & Fourneaux Power Plant was put in operation, namely from the 10th day of January, 1952.

4. This Indenture shall have full force and effect as of the 2nd day of January, 1943, and as though the said Waterpowers Agreement had been in form as amended by this Indenture but shall not become binding upon the parties unless and until the Legislature of the Province of Ontario shall have confirmed and validated it to the extent of its legislative authority.

IN WITNESS WHEREOF the parties hereto have executed these presents as of the day and year first above written.

SIGNED, SEALED AND DELIVERED

in the presence of:

EILEEN M. PASCOE

P. E. AUGER

C. N. McCARTER

L. BEAUDOIN

Minister of Land & Forests for
Ontario:

A. KELSO ROBERTS.

Minister of Natural Resources for
Quebec:

RÉNE LÉVESQUE.

THE HYDRO-ELECTRIC POWER
COMMISSION OF ONTARIO:

W. R. STRIKE,
Chairman.

E. B. EASSON,
Secretary.

QUEBEC HYDRO-ELECTRIC
COMMISSION:

J. C. LESSARD,
President.

B. LACASSE,
Joint Secretary.

QUEBEC HYDRO-ELECTRIC COMMISSION

EXTRACT of the Minutes of the Quebec Hydro-Electric Commission, held at Montreal, on Wednesday, April 29, 1964.

AC—503/64

WATERPOWERS AGREEMENT OF JANUARY 2, 1943 BETWEEN THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO AND OTHERS

WHEREAS the Waterpowers Agreement of January 2, 1943, provided, amongst other things, for the utilization by The Hydro-Electric Power Commission of Ontario of the waterpowers at Cave & Fourneaux on the Ottawa River by raising the water in the River to a head-water level of 575 feet; and

WHEREAS with the knowledge of the other parties to the said Agreement The Hydro-Electric Power Commission of Ontario has utilized the said waterpowers at a head-water level of 583 feet; and

WHEREAS by the Act 4-5 Elizabeth II, Chapter 38 of the Statutes of Quebec 1955-56, authorization was granted to make an amicable agreement for the settlement of the problems resulting from the raising of the water of the Ottawa River at the site of Cave & Fourneaux to 583 feet;

WHEREUPON, it was moved, seconded and unanimously

Resolved:

That the President or a Commissioner together with a Joint Secretary be authorized to sign an agreement between the Province of Ontario, Province of Quebec, The Hydro-Electric Power Commission of Ontario and Quebec Hydro-Electric Commission amending the Waterpowers Agreement of January 2, 1943, to cover

(a) the utilization by The Hydro-Electric Power Commission of Ontario of the waterpower of the Ottawa River at the site known as Cave & Fourneaux by raising the water in the river to head-water level of 583 feet and substitution of the figure 575 by that of 583 feet wherever it appears in the said Agreement of January 2, 1943, and

(b) an increase of the annual rental provided for in clause 23 (g) of the said Agreement of January 2, 1943, by an additional annual rental of \$2,500 to be paid by The Hydro-Electric Power Commission of Ontario to the Department of Natural Resources of the Province of Quebec from January 10, 1952, being the date on which the Cave & Fourneaux Plant was put into operation.

An Act respecting
the Water Powers of the Ottawa River

1st Reading

February 9th, 1965

2nd Reading

3rd Reading

MR. ROBERTS

BILL 24

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act respecting the Water Powers of the Ottawa River

MR. ROBERTS

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187

187

187

BILL 24

1965

An Act respecting the Water Powers of the Ottawa River

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** The Agreement between Her Majesty the Queen in right of the Province of Ontario, Her Majesty the Queen in right of the Province of Quebec, The Hydro-Electric Power Commission of Ontario, and Quebec Hydro-Electric Commission, set out in the Schedule hereto, is hereby ratified, validated and confirmed. Agreement
ratified,
etc.
- 2.** This Act comes into force on the day it receives Royal Assent. Commence-
ment
- 3.** This Act may be cited as *The Ottawa River Water Powers Act, 1965*. Short title

SCHEDULE

THIS INDENTURE made in quadruplicate (first copy) the 9th day of June, 1964,

BETWEEN:

HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF ONTARIO (herein represented by the Honourable A. Kelso Roberts, Minister of Lands and Forests), hereinafter called "Ontario",

OF THE FIRST PART;

HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF QUEBEC (herein represented by the Honourable René Lévesque, Minister of Natural Resources), hereinafter called "Québec",

OF THE SECOND PART;

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO, hereinafter called the "Ontario Commission",

OF THE THIRD PART;

—and—

QUEBEC HYDRO-ELECTRIC COMMISSION, hereinafter called "Hydro-Québec",

OF THE FOURTH PART.

WHEREAS the parties of the First, Second and Third Parts hereto and The Quebec Streams Commission did enter into an Agreement, dated the 2nd day of January, 1943, in respect of the development of the water powers of the Ottawa River (hereinafter called the "Waterpowers Agreement");

AND WHEREAS Hydro-Québec has succeeded to all of the rights, interests, powers, duties, liabilities and obligations of the Quebec Streams Commission under the Waterpowers Agreement;

AND WHEREAS the said Waterpowers Agreement has been ratified by the Legislature of the Province of Quebec by Chapter 20 of the Statutes of Quebec 1943 and by the Legislature of the Province of Ontario by Chapter 21 of the Statutes of Ontario 1943;

AND WHEREAS the said Waterpowers Agreement provided for the utilization of the waterpowers of the Ottawa River at five sites on the said River, three sites by the Ontario Commission by raising the water in the River to the following head-water levels (feet above mean sea-level), namely:

Cave & Fourneaux	575
Des Joachims	500
Chenau	285

and two sites by Hydro-Québec by raising the water in the River to the following head-water levels (feet above mean sea-level), namely:

Rocher Fendu.....	350
Carillon.....	135

AND WHEREAS with the knowledge of the other parties hereto, the Ontario Commission has utilized the waterpower at Cave & Fourneaux by raising the water in the River to a head-water level of 583 feet;

AND WHEREAS by the Act 4-5 Elizabeth II, Chapter 38, of the Statutes of Quebec 1955-56, the Lieutenant-Governor of the Province of Quebec in Council has been authorized to make an amicable agreement or contract for the settlement of the problem resulting from the said raising of the waters of the Ottawa River, at the site of Cave & Fourneaux;

AND WHEREAS the Lieutenant-Governor of the Province of Quebec by Order-in-Council dated July 29, 1960, bearing No. 1174, has authorized the Minister of Hydraulic Resources to sign this Agreement for the purpose of amending the said Waterpowers Agreement;

AND WHEREAS by the Act 9-10 Elizabeth II, Chapter 48, of the Statutes of Quebec 1960-61, the Minister of Natural Resources has succeeded to all of the rights, duties, liabilities and obligations of the Minister of Hydraulic Resources;

AND WHEREAS it is agreed that the amendments to the said Agreement shall have effect as though the said Waterpowers Agreement had been entered into originally in the form as amended by this Indenture.

NOW THEREFORE THIS INDENTURE WITNESSETH that in consideration of the premises and the other considerations herein appearing the parties hereto agree as hereafter appears.

1. The Ontario Commission shall be deemed to have been entitled to utilize the waterpower of the Ottawa River at the site known as Cave & Fourneaux by raising the water in the River to a head-water level of 583 feet.

2. The Waterpowers Agreement is amended by striking out the figure "575" in referring to the head-water level of the site known as Cave & Fourneaux wherever the said figure appears in the said Waterpowers Agreement and by substituting therefor the figure "583" in referring to the said head-water level. In particular, the figure "583" shall be substituted for the figure "575" where the same appears in the first recital and in clauses 23 (g) and 25 of the Waterpowers Agreement.

3. Over and above the annual rental provided for in the third paragraph of clause 23 (g) of the Waterpowers Agreement, The Hydro-Electric Power Commission of Ontario shall pay to the Department of Natural Resources in Quebec an additional annual rental of two thousand five hundred dollars (\$2,500.00), from the date on which the Cave & Fourneaux Power Plant was put in operation, namely from the 10th day of January, 1952.

4. This Indenture shall have full force and effect as of the 2nd day of January, 1943, and as though the said Waterpowers Agreement had been in form as amended by this Indenture but shall not become binding upon the parties unless and until the Legislature of the Province of Ontario shall have confirmed and validated it to the extent of its legislative authority.

IN WITNESS WHEREOF the parties hereto have executed these presents as of the day and year first above written.

SIGNED, SEALED AND DELIVERED

in the presence of:

EILEEN M. PASCOE

P. E. AUGER

C. N. McCARTER

L. BEAUDOIN

Minister of Land & Forests for
Ontario:

A. KELSO ROBERTS.

Minister of Natural Resources for
Quebec:

RENÉ LÉVESQUE.

THE HYDRO-ELECTRIC POWER
COMMISSION OF ONTARIO:

W. R. STRIKE,
Chairman.

E. B. EASSON,
Secretary.

QUEBEC HYDRO-ELECTRIC
COMMISSION:

J. C. LESSARD,
President.

B. LACASSE,
Joint Secretary.

QUEBEC HYDRO-ELECTRIC COMMISSION

EXTRACT of the Minutes of the Quebec Hydro-Electric Commission, held at Montreal, on Wednesday, April 29, 1964.

AC—503/64

WATERPOWERS AGREEMENT OF JANUARY 2, 1943 BETWEEN THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO AND OTHERS

WHEREAS the Waterpowers Agreement of January 2, 1943, provided, amongst other things, for the utilization by The Hydro-Electric Power Commission of Ontario of the waterpowers at Cave & Fourneaux on the Ottawa River by raising the water in the River to a head-water level of 575 feet; and

WHEREAS with the knowledge of the other parties to the said Agreement The Hydro-Electric Power Commission of Ontario has utilized the said waterpowers at a head-water level of 583 feet; and

WHEREAS by the Act 4-5 Elizabeth II, Chapter 38 of the Statutes of Quebec 1955-56, authorization was granted to make an amicable agreement for the settlement of the problems resulting from the raising of the water of the Ottawa River at the site of Cave & Fourneaux to 583 feet;

WHEREUPON, it was moved, seconded and unanimously

Resolved:

That the President or a Commissioner together with a Joint Secretary be authorized to sign an agreement between the Province of Ontario, Province of Quebec, The Hydro-Electric Power Commission of Ontario and Quebec Hydro-Electric Commission amending the Waterpowers Agreement of January 2, 1943, to cover

(a) the utilization by The Hydro-Electric Power Commission of Ontario of the waterpower of the Ottawa River at the site known as Cave & Fourneaux by raising the water in the river to head-water level of 583 feet and substitution of the figure 575 by that of 583 feet wherever it appears in the said Agreement of January 2, 1943, and

(b) an increase of the annual rental provided for in clause 23 (g) of the said Agreement of January 2, 1943, by an additional annual rental of \$2,500 to be paid by The Hydro-Electric Power Commission of Ontario to the Department of Natural Resources of the Province of Quebec from January 10, 1952, being the date on which the Cave & Fourneaux Plant was put into operation.

An Act respecting
the Water Powers of the Ottawa River

1st Reading

February 9th, 1965

2nd Reading

February 19th, 1965

3rd Reading

April 14th, 1965

Mr. ROBERTS

BILL 25

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

The Training Schools Act, 1965

MR. GROSSMAN

EXPLANATORY NOTE

This Bill is a revision of *The Training Schools Act*, which was last revised in 1939.

Some of the principle changes are as follows:

1. The power of the Minister to admit children to training schools is removed, and all such decisions will be made by the court.
2. The children who may be admitted to training schools are confined to those whose welfare needs cannot be satisfied elsewhere, and to those over the age of twelve years whose conduct has amounted to serious misbehaviour.
3. The procedures are brought up to date.

BILL 25

1965

The Training Schools Act, 1965

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** In this Act, Interpre-
tation
- (a) "Department" means the Department of Reform Institutions;
 - (b) "foster home" means a foster home designated under section 25;
 - (c) "home" means a foster home or home of the parent to which a child is transferred from a training school while a ward of such training school;
 - (d) "inspector" means an officer of the Department designated as such by the Minister;
 - (e) "judge" means a judge of a county, district or juvenile and family court, or a magistrate;
 - (f) "Minister" means the Minister of Reform Institutions;
 - (g) "municipality" means a county, metropolitan municipality, city or separated town, and in a provisional judicial district means a city or a town having a population of 5,000 or over or a township having a population of 5,000 or over;
 - (h) "Ontario training school" means a training school established under section 3;
 - (i) "parent" means a person who is under a legal duty to provide for a child;

(j) "private training school" means a training school established under section 4;

(k) "regulations" means the regulations made under this Act;

(l) "society" means a religious society, organization or order or a charitable or philanthropic organization;

(m) "superintendent" means the superintendent or other person in charge of a training school;

(n) "training school" means an Ontario training school or a private training school. R.S.O. 1960, c. 404, s. 1, *amended*.

Purpose of training school

2. The purpose of a training school is to provide the children therein with training and treatment and with moral, physical, academic and vocational education. R.S.O. 1960, c. 404, s. 2 (1), *amended*.

Ontario training schools

3.—(1) The Lieutenant Governor in Council may provide for the establishment of Ontario training schools. R.S.O. 1960, c. 404, s. 3 (1).

Property

(2) All real property and chattels acquired by purchase, gift or otherwise and for the use of Ontario training schools are vested in the Crown, represented by the Minister of Public Works. R.S.O. 1960, c. 404, s. 3 (3), *amended*.

Cost

(3) The cost of establishing and maintaining Ontario training schools shall be paid out of such moneys as are appropriated therefor by the Legislature, and all revenues from whatsoever source derived by or pertaining to Ontario training schools shall form part of the Consolidated Revenue Fund. R.S.O. 1960, c. 404, s. 3 (4), *amended*.

Private training schools

4.—(1) The Lieutenant Governor in Council may authorize any society to establish and maintain a private training school, and, subject to the other provisions of this Act, a society so authorized is responsible for the maintenance in proper condition of the training school, its premises and equipment, and the Lieutenant Governor in Council may cancel any such authority for any reason that in his opinion warrants such cancellation. R.S.O. 1960, c. 404, s. 4 (1), *amended*.

Approval of plans and sales

(2) A society shall not erect, acquire, establish, change the site of, add to or structurally alter a private training school until the site and plans thereof have been approved by the Minister, and a society shall not sell or dispose of the premises

of a private training school, or any part thereof, until the sale or disposal has been approved by the Minister. R.S.O. 1960, c. 404, s. 3 (3), *amended*.

(3) Any religious corporation may set apart and grant or lease for a nominal consideration or otherwise for the purposes of a private training school any land that it has a general power to dispose of for religious, charitable or educational purposes without being deemed guilty of a breach of trust. R.S.O. 1960, c. 404, s. 4 (4). Granting or leasing of land

5. A training school shall bear such name or other designation as is approved by the Lieutenant Governor in Council. R.S.O. 1960, c. 404, s. 4 (2), *amended*. Name

6.—(1) There shall be a board of not more than five members to be known as The Training Schools Advisory Board, the members of which shall be appointed by the Lieutenant Governor in Council and shall hold office during pleasure, and the Lieutenant Governor in Council may designate one of the members to be chairman of the Advisory Board. R.S.O. 1960, c. 404, s. 5 (1), *amended*. Advisory Board

(2) The Minister may appoint a secretary for the Advisory Board. Secretary

(3) The Advisory Board shall meet at the call of the Minister or the chairman. R.S.O. 1960, c. 404, s. 5 (2, 3). Meetings

(4) The Advisory Board shall act in an advisory capacity to the Minister and, when so requested by him, shall consult with him as to the administration of this Act and of training schools. R.S.O. 1960, c. 404, s. 5 (4), *amended*. Advisory Board to act in advisory capacity

(5) The Advisory Board shall, by visiting and otherwise investigating training schools, ascertain the condition thereof and the welfare of the children therein, and shall report to the Minister and make such recommendations as it deems advisable. R.S.O. 1960, c. 404, s. 5 (5), *amended*. Investigation of training schools

(6) The members of the Advisory Board shall serve without remuneration, but the Lieutenant Governor in Council may fix a *per diem* allowance to be payable to each member, and every member is entitled to his reasonable and necessary travelling expenses, as certified by the chairman, for attendance at meetings and in the transaction of the business of the Advisory Board. R.S.O. 1960, c. 404, s. 5 (7). Allowance as member of Advisory Board

7.—(1) Every training school shall be inspected at least twice a year by an inspector, who shall be given free access to all parts of its premises and to all its books and records Inspection of training schools

and who shall make such inquiries as are necessary to determine the training and welfare of the staff and wards therein, and, in the case of a private training school, the inspector also has authority to inspect the books and records of the society maintaining the training school in so far as they relate to the training school. R.S.O. 1960, c. 404, s. 6 (1), *amended*.

Minister
may request
inspection
of training
school

(2) The Minister may request any inspector or other officer of the Department or employee of any other department to conduct an inspection of any training school for any special purpose, and, for the purposes of the inspection, such inspector, officer or employee has the same powers as an inspector under subsection 1.

Reports of
inspections

(3) The inspector and any other person who conducts an inspection under this section shall make such reports as the Minister requires. R.S.O. 1960, c. 404, s. 6 (2, 3).

Certain
children
under 16
may be
sent to a
training
school

8.—(1) Upon the application of any person, a judge may order in writing that a child under sixteen years of age at the time the order is made be sent to a training school where the judge is satisfied that,

- (a) the parent or guardian of the child is unable to control the child or to provide for his social, emotional or educational needs;
- (b) the care of the child by any other agency of child welfare would be insufficient or impracticable; and
- (c) the child needs the training and treatment available at a training school,

and the order shall state the facts upon which the decision is based. R.S.O. 1960, c. 404, s. 7 (1), *amended*.

Proceedings
before judge

(2) Where an application is made under subsection 1, the judge shall hear the evidence of and on behalf of the person who has submitted the application and shall make adequate inquiry into the truth of such evidence. R.S.O. 1960, c. 404, s. 7 (2), *amended*.

Evidence
to be under
oath and
transcribed

(3) The evidence shall be given under oath and shall be taken down and transcribed,

- (a) by the court stenographer, where the proceedings are in a juvenile and family court; and
- (b) by a stenographer appointed by the judge, where the proceedings are not in a juvenile and family court or where the juvenile and family court does not have a stenographer. R.S.O. 1960, c. 404, s. 7 (3), *amended*.

(4) Stenographers appointed under clause *b* of subsection 3 shall be paid according to the rate prescribed under *The Magistrates Act* for taking down and transcribing evidence, and the fees are payable by the municipality to which the child belongs, but, where the child belongs to territory without municipal organization, the fees are payable out of any money appropriated for the administration of justice in provisional judicial districts. R.S.O. 1950, c. 404, s. 7 (4), *amended*. Steno-
graphers'
fees
R.S.O. 1960,
c. 226

(5) The judge shall hear all cases coming before him under this section *in camera*. R.S.O. 1960, c. 404, s. 7 (5). Hearing in
private

9. A judge may order that a child be sent to a training school where, Other cases

- (a) the child is at least twelve years of age and under sixteen years of age at the time the order is made;
- (b) the child has contravened any statute in force in Ontario which contravention would be punishable by imprisonment if committed by an adult; and
- (c) the order provides for the payment of the cost of maintenance of the child in accordance with this Act. *New*.

10. A child shall not be admitted to a training school except in accordance with this Act. *New*. All admis-
sions to
be in
accordance
with this
Act

11. The judge in his order sending a child to a training school shall designate the school to which the child is to be sent and the municipality to which the child belongs, if any, and shall, where practicable, state the name, age and religious faith of the child. R.S.O. 1960, c. 404, s. 14 (1), *amended*. Contents
of order

12.—(1) Where a judge orders that a child be sent to a training school, the judge shall cause a copy of the evidence taken before him to be sent to the superintendent of the training school and a copy to be sent to the Department. R.S.O. 1960, c. 404, s. 9, *amended*. Copy of
evidence to
superinten-
dent and
Department

(2) The clerk of the court shall send by registered mail a certified copy of the order to the clerk of the municipality declared liable for the maintenance of the child to the parent of the child, to the Department and to any other person the judge deems necessary. R.S.O. 1960, c. 404, s. 14 (2), *part, amended*. Clerk to
mail copies
of order

13. A decision granting or refusing an order sending a child to a training school may be appealed to the judge of the county or district court of the county or district in which the application was made, but, where the juvenile and family court Appeal to
county or
district
court

judge who made the decision is also the county or district court judge, the appeal shall be heard and disposed of by any other county or district court judge in the same county or district court district. *New.*

Religion of
child to be
considered

14. As far as practicable, a Roman Catholic child shall be sent to such training school maintained by a Roman Catholic society or to such Ontario training school designated by the Minister as non-denominational as is determined by the regulations, and a child of any other religious faith shall be sent to such Ontario training school or such private training school, other than one maintained by a Roman Catholic society, as is determined by the regulations. R.S.O. 1960, c. 404, s. 11, *amended.*

Transporta-
tion of
children
to training
school

15.—(1) Every child sent to a training school shall be taken to the training school by a probation officer or other person designated by the judge in his order, and, subject to subsection 2, the actual expense in so doing shall be borne by the municipality liable for maintenance. R.S.O. 1960, c. 404, s. 13 (1), *amended.*

Expenses
in a
provisional
judicial
district

(2) The expenses of conveying a child to a training school from a part of a provisional judicial district not in a municipality are payable out of any money appropriated for the administration of justice in provisional judicial districts. R.S.O. 1960, c. 404, s. 13 (2), *amended.*

Liability
of municipa-
lity

16.—(1) Where a child is sent to a training school, the municipality to which the child belongs is liable,

- (a) to the Department, in the case of an Ontario training school; or
- (b) to the society operating the school, in the case of a private training school,

for the payment of such sum per day as is prescribed by the regulations towards the cost of maintenance of the child for each actual day's stay of the child in the training school or in a foster home to which the school makes payments for the maintenance of the child. R.S.O. 1960, c. 404, s. 15 (1), *amended.*

Where child
belongs

(2) For the purposes of this section, a child shall be deemed to belong to the municipality in which he has last resided for the period of one year, but, in the absence of evidence to the contrary, residence for one year in the municipality in which he was taken into custody shall be presumed. R.S.O. 1960, c. 404, s. 15 (2).

(3) Where a child has not resided in any municipality in Ontario for one year, the child shall be deemed to belong to the municipality in which his mother has last resided for one year. R.S.O. 1960, c. 404, s. 15 (3), *amended*. Where mother's residence taken

(4) In the computation of the time in subsections 2 and 3, the time during which the child, or his mother, was an inmate of a children's, infants', maternity or other boarding home, a correctional or charitable institution, a hospital or any home or institution for custodial, medical or other care or supervision shall not be regarded, and the time during which the mother has resided in a municipality while her child was an inmate of any such home or institution shall likewise be disregarded. Periods to be excluded in fixing time

(5) In all other cases, the judge shall determine the municipality to which the child belongs, if any. R.S.O. 1960, c. 404, s. 15 (4, 5). Other cases

17. A municipality declared liable for the maintenance of a child may, within thirty days after the mailing of the certified copy of the order, apply to the judge making the order or to a judge in the county or district in which the parent of the child resides to vary the part of the order declaring the municipality liable. R.S.O. 1960, c. 404, s. 14 (2), *part, amended*. Application to vary municipal liability

18.—(1) A decision upon an appeal under section 13 or 17 or an order under subsection 2 of section 20 is subject to an appeal to the Court of Appeal. Appeals to Court of Appeal

(2) An appeal under this Act on behalf of a child may be made at the instance of a next friend. R.S.O. 1960, c. 404, s. 7 (7), *amended*. Appeal by next friend

19. Each superintendent shall from time to time render to the clerk of every municipality that is liable for the maintenance of one or more children in the training school statements of account of the charges with full particulars thereof, and, if any such account is not paid within a reasonable time after it has been rendered, it may be recovered as a debt in a court of competent jurisdiction. R.S.O. 1960, c. 404, s. 16, *amended*. Statements of account to be rendered

20.—(1) Where a municipality has paid an account rendered to it under this Act, it may recover from a parent the amount of the payment so made as a debt in a court of competent jurisdiction. R.S.O. 1960, c. 404, s. 18 (1), *amended*. Municipal right of recourse against parent

Variation
of parent's
liability

(2) Where a judge finds that a parent is unable to refund the cost of the child's maintenance to the municipality under subsection 1, the judge may order that the parent refund such part thereof as the judge determines, and the judge may vary or rescind the order where the circumstances of the parent have changed. R.S.O. 1960, c. 404, s. 14 (3), *part, amended*.

Application
of section

(3) This section applies whether or not the child is over the age of sixteen years, and nothing in this section relieves the municipality from liability for the charges. R.S.O. 1960, c. 404, s. 14 (3), *part, amended*.

Enforce-
ment of
orders
R.S.O. 1960,
c. 105

(4) The provisions of *The Deserted Wives' and Children's Maintenance Act* with respect to the enforcement of orders apply *mutatis mutandis* to the enforcement of the liability of a parent under this section. R.S.O. 1960, c. 404, s. 14 (5), *amended*.

Muni-
cipality's
right of
recourse
against
another
municipality

21. Where a municipality pays charges under this Act for which another municipality is liable, the municipality that made the payment may recover the amount thereof as a debt due from the other municipality, and, upon payment of the debt, the other municipality is entitled to exercise the right to be refunded conferred by section 20. R.S.O. 1960, c. 404, s. 17, *amended*.

County's
right to
contribution

22. The corporation of a county has the right to recover an amount not exceeding one-half of the charges paid by it in respect of any child for which it is liable under this Act from the corporation of the township, town or village forming a part of the county in which he was a resident at the time of admission to a training school. R.S.O. 1960, c. 404, s. 19, *amended*.

Wardship
of training
school

23.—(1) Upon admission to a training school, a child becomes a ward of the training school, and the superintendent may exercise the rights and duties of a guardian for the purpose of the care, custody and control of the child. R.S.O. 1960, c. 404, s. 21 (1), *part, amended*.

Rights of
other
guardians

(2) During the period that a child is a ward of a training school, the rights and duties of the child's parent or any other guardian in respect of the care, custody and control of the child are suspended. R.S.O. 1960, c. 404, s. 21 (2), *amended*.

Termination
of wardship
by Minister

(3) The Minister may upon or at any time after the release of a child from a training school order that the wardship of the training school shall cease.

(4) The wardship of the training school shall continue until the child attains the age of eighteen years unless the Minister orders that the wardship shall cease before such date. R.S.O. 1960, c. 404, s. 21 (1), *part, amended*. Termination
of wardship
upon
attaining
18 years
of age

24. A clergyman of the religious faith to which a child appears to belong may visit the child at the school for the purpose of instructing him in religion on such days and at such times as are fixed by the superintendent. R.S.O. 1960, c. 404, s. 12, *amended*. Visits by
clergymen

25.—(1) The Minister or any officer of the Department designated in writing by the Minister may, Powers of
Minister

(a) designate foster homes for the purposes of this Act;

(b) order a child to be transferred,

(i) from one training school to another or to a home, or

(ii) from one home to another or to a training school;

(c) order a child released from a training school upon such conditions as he thinks fit.

(2) Where a child is transferred from a training school to a home, the control of the superintendent is not thereby abated or diminished unless the Minister orders that the wardship of the training school shall cease. R.S.O. 1960, c. 404, s. 22 (1), *amended*. Placing
out of
children

26.—(1) If a child sent to a training school escapes therefrom or neglects to attend thereat, he may, at any time before the termination of wardship, be apprehended without warrant and brought back to the training school. R.S.O. 1960, c. 404, s. 23 (1), *amended*. Apprehen-
sion on
escape

(2) Where a child leaves a home without the permission of the Minister or an officer of the Department designated in writing by the Minister, or refuses to return to the training school, he shall be deemed to have escaped from the training school. R.S.O. 1960, c. 404, s. 23 (2), *amended*. What to be
deemed an
escape

27. Every person,

Penalties

(a) who aids or abets any child to escape from or unlawfully leave a training school or home;

- (b) who knowingly harbours or conceals a child who has escaped from or unlawfully left a training school or home, without giving notice of the child's whereabouts to the training school or to the local police authorities; or
- (c) who knowingly makes, or procures to be made, any false statement in any return required under this Act,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$500 or to imprisonment for a term of not more than three months, or to both. R.S.O. 1960, c. 404, s. 24, *amended*.

Regulations

28. The Lieutenant Governor in Council may make regulations,

- (a) regarding the management, discipline, government and control of training schools and the maintenance of the buildings, premises and equipment thereof;
- (b) regulating the conduct and discipline of children in training schools;
- (c) prescribing the type of training, treatment and moral, physical, academic and vocational education to be provided in training schools and setting standards of instruction;
- (d) prescribing the conditions under which children may leave training schools;
- (e) for determining the training schools to which children may be sent under section 14;
- (f) providing for the use in a training school of such products and articles as may be produced on the premises thereof, and for the sale of any surplus products or articles that may be produced or manufactured on the premises thereof;
- (g) prescribing the records, books, account systems, audits, reports and returns to be kept and made by or pertaining to training schools;
- (h) prescribing the duties of The Training Schools Advisory Board in addition to those duties mentioned in section 6;

- (i) prescribing the powers and duties of superintendents, including the control that they may exercise over the children under their care;
- (j) providing for the apportionment and distribution of grants to societies maintaining private training schools out of moneys appropriated therefor by the Legislature and for the conditions governing the payment thereof;
- (k) prescribing the amount that municipalities shall pay for the maintenance in training schools of children who belong to the municipality;
- (l) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.
R.S.O. 1960, c. 404, ss. 25, 26, *amended*.

29. *The Training Schools Act and The Training Schools Amendment Act, 1961-62* are repealed. R.S.O. 1960,
c. 404;
1961-62,
c. 139,
repealed

30. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commence-
ment

31. This Act may be cited as *The Training Schools Act, 1965*. Short title

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The Training Schools Act, 1965

1st Reading

February 11th, 1965

2nd Reading

3rd Reading

MR. GROSSMAN

BILL 25

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

The Training Schools Act, 1965

MR. GROSSMAN

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTE

This Bill is a revision of *The Training Schools Act*, which was last revised in 1939.

Some of the principle changes are as follows:

1. The power of the Minister to admit children to training schools is removed, and all such decisions will be made by the court.
2. The children who may be admitted to training schools are confined to those whose welfare needs cannot be satisfied elsewhere, and to those over the age of twelve years whose conduct has amounted to serious misbehaviour.
3. The procedures are brought up to date.

BILL 25

1965

The Training Schools Act, 1965

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpre-
tation

- (a) "Department" means the Department of Reform Institutions;
- (b) "foster home" means a foster home designated under section 25;
- (c) "home" means a foster home or home of the parent to which a child is transferred from a training school while a ward of such training school;
- (d) "inspector" means an officer of the Department designated as such by the Minister;
- (e) "judge" means a judge of a juvenile and family court, or a magistrate;
- (f) "Minister" means the Minister of Reform Institutions;
- (g) "municipality" means a county, metropolitan municipality, city or separated town, and in a provisional judicial district means a city or a town having a population of 5,000 or over or a township having a population of 5,000 or over;
- (h) "Ontario training school" means a training school established under section 3;
- (i) "parent" means a person who is under a legal duty to provide for a child;

- (j) "private training school" means a training school established under section 4;
- (k) "regulations" means the regulations made under this Act;
- (l) "society" means a religious society, organization or order or a charitable or philanthropic organization;
- (m) "superintendent" means the superintendent or other person in charge of a training school;
- (n) "training school" means an Ontario training school or a private training school. R.S.O. 1960, c. 404, s. 1, *amended*.

Purpose of
training
school

2. The purpose of a training school is to provide the children therein with training and treatment and with moral, physical, academic and vocational education. R.S.O. 1960, c. 404, s. 2 (1), *amended*.

Ontario
training
schools

3.—(1) The Lieutenant Governor in Council may provide for the establishment of Ontario training schools. R.S.O. 1960, c. 404, s. 3 (1).

Property

(2) All real property and chattels acquired by purchase, gift or otherwise and for the use of Ontario training schools are vested in the Crown, represented by the Minister of Public Works. R.S.O. 1960, c. 404, s. 3 (3), *amended*.

Cost

(3) The cost of establishing and maintaining Ontario training schools shall be paid out of such moneys as are appropriated therefor by the Legislature, and all revenues from whatsoever source derived by or pertaining to Ontario training schools shall form part of the Consolidated Revenue Fund. R.S.O. 1960, c. 404, s. 3 (4), *amended*.

Private
training
schools

4.—(1) The Lieutenant Governor in Council may authorize any society to establish and maintain a private training school, and, subject to the other provisions of this Act, a society so authorized is responsible for the maintenance in proper condition of the training school, its premises and equipment, and the Lieutenant Governor in Council may cancel any such authority for any reason that in his opinion warrants such cancellation. R.S.O. 1960, c. 404, s. 4 (1), *amended*.

Approval
of plans
and sales

(2) A society shall not erect, acquire, establish, change the site of, add to or structurally alter a private training school until the site and plans thereof have been approved by the Minister, and a society shall not sell or dispose of the premises

of a private training school, or any part thereof, until the sale or disposal has been approved by the Minister. R.S.O. 1960, c. 404, s. 3 (3), *amended*.

(3) Any religious corporation may set apart and grant or lease for a nominal consideration or otherwise for the purposes of a private training school any land that it has a general power to dispose of for religious, charitable or educational purposes without being deemed guilty of a breach of trust. R.S.O. 1960, c. 404, s. 4 (4). Granting or leasing of land

5. A training school shall bear such name or other designation as is approved by the Lieutenant Governor in Council. R.S.O. 1960, c. 404, s. 4 (2), *amended*. Name

6.—(1) There shall be a board of not more than five members to be known as The Training Schools Advisory Board, the members of which shall be appointed by the Lieutenant Governor in Council and shall hold office during pleasure, and the Lieutenant Governor in Council may designate one of the members to be chairman of the Advisory Board. R.S.O. 1960, c. 404, s. 5 (1), *amended*. Advisory Board

(2) The Minister may appoint a secretary for the Advisory Board. Secretary

(3) The Advisory Board shall meet at the call of the Minister or the chairman. R.S.O. 1960, c. 404, s. 5 (2, 3). Meetings

(4) The Advisory Board shall act in an advisory capacity to the Minister and, when so requested by him, shall consult with him as to the administration of this Act and of training schools. R.S.O. 1960, c. 404, s. 5 (4), *amended*. Advisory Board to act in advisory capacity

(5) The Advisory Board shall, by visiting and otherwise investigating training schools, ascertain the condition thereof and the welfare of the children therein, and shall report to the Minister and make such recommendations as it deems advisable. R.S.O. 1960, c. 404, s. 5 (5), *amended*. Investigation of training schools

(6) The members of the Advisory Board shall serve without remuneration, but the Lieutenant Governor in Council may fix a *per diem* allowance to be payable to each member, and every member is entitled to his reasonable and necessary travelling expenses, as certified by the chairman, for attendance at meetings and in the transaction of the business of the Advisory Board. R.S.O. 1960, c. 404, s. 5 (7). Allowance as member of Advisory Board

7.—(1) Every training school shall be inspected at least twice a year by an inspector, who shall be given free access to all parts of its premises and to all its books and records Inspection of training schools

and who shall make such inquiries as are necessary to determine the training and welfare of the staff and wards therein, and, in the case of a private training school, the inspector also has authority to inspect the books and records of the society maintaining the training school in so far as they relate to the training school. R.S.O. 1960, c. 404, s. 6 (1), *amended*.

Minister
may request
inspection
of training
school

(2) The Minister may request any inspector or other officer of the Department or employee of any other department to conduct an inspection of any training school for any special purpose, and, for the purposes of the inspection, such inspector, officer or employee has the same powers as an inspector under subsection 1.

Reports on
inspections

(3) The inspector and any other person who conducts an inspection under this section shall make such reports as the Minister requires. R.S.O. 1960, c. 404, s. 6 (2, 3).

Certain
children
under 16
may be
sent to a
training
school

8.—(1) Upon the application of any person, a judge may order in writing that a child under sixteen years of age at the time the order is made be sent to a training school where the judge is satisfied that,

- (a) the parent or guardian of the child is unable to control the child or to provide for his social, emotional or educational needs;
- (b) the care of the child by any other agency of child welfare would be insufficient or impracticable; and
- (c) the child needs the training and treatment available at a training school,

and the order shall state the facts upon which the decision is based. R.S.O. 1960, c. 404, s. 7 (1), *amended*.

Proceedings
before judge

(2) Where an application is made under subsection 1, the judge shall,

- (a) hear the child; and
- (b) hear the evidence of or on behalf of the person who has submitted the application and make adequate inquiry into the truth of such evidence. R.S.O. 1960, c. 404, s. 7 (2), *amended*.

Evidence
to be under
oath and
transcribed

(3) The evidence shall be given under oath and shall be taken down and transcribed,

- (a) by the court stenographer, where the proceedings are in a juvenile and family court; and

- (b) by a stenographer appointed by the judge, where the proceedings are not in a juvenile and family court or where the juvenile and family court does not have a stenographer. R.S.O. 1960, c. 404, s. 7 (3), *amended*.

(4) Stenographers appointed under clause b of subsection 3 shall be paid according to the rate prescribed under *The Magistrates Act* for taking down and transcribing evidence, and the fees are payable by the municipality to which the child belongs, but, where the child belongs to territory without municipal organization, the fees are payable out of any money appropriated for the administration of justice in provisional judicial districts. R.S.O. 1950, c. 404, s. 7 (4), *amended*. Steno-
graphers'
fees
R.S.O. 1960,
c. 226

(5) The judge shall hear all cases coming before him under this section *in camera*. R.S.O. 1960, c. 404, s. 7 (5). Hearing in
private

9. A judge may order that a child be sent to a training school where, Other cases

- (a) the child is at least twelve years of age and under sixteen years of age at the time the order is made; and
- (b) the child has contravened any statute in force in Ontario, which contravention would be punishable by imprisonment if committed by an adult. *New*.

10. A child shall not be admitted to a training school except in accordance with this Act. *New*. All admis-
sions to
be in
accordance
with this
Act

11. The judge in his order sending a child to a training school shall, Contents
of order

- (a) designate the municipality to which the child belongs, if any;
- (b) state, where practicable, the name, age and religious faith of the child; and
- (c) provide for the payment of the cost of maintenance of the child in accordance with this Act. R.S.O. 1960, c. 404, s. 14 (1), *amended*.

12.—(1) Where a judge orders that a child be sent to a training school, the judge shall cause a copy of the evidence taken before him to be sent to the superintendent of the training school and a copy to be sent to the Department. R.S.O. 1960, c. 404, s. 9, *amended*. Copy of
evidence to
superinten-
dent and
Department

(2) The clerk of the court shall send by registered mail a certified copy of the order to the clerk of the municipality declared liable for the maintenance of the child to the parent Clerk to
mail copies
of order

of the child, to the Department and to any other person the judge deems necessary. R.S.O. 1960, c. 404, s. 14 (2), *part, amended.*

Appeal to
county or
district
court

13.—(1) A decision under section 8 granting or refusing an order to send a child to a training school may be appealed to the judge of the county or district court of the county or district in which the application was made, but, where the judge who made the decision is a county or district court judge, the appeal shall be heard and disposed of by any other county or district court judge in the same county or district court district.

Appeal to
Supreme
Court
judge

(2) A decision under section 9 may be appealed to a judge of the Supreme Court. *New.*

Religion of
child to be
considered

14. As far as practicable, a Roman Catholic child shall be sent to such training school maintained by a Roman Catholic society or to such Ontario training school designated by the Minister as non-denominational as is determined by the regulations, and a child of any other religious faith shall be sent to such Ontario training school or such private training school, other than one maintained by a Roman Catholic society, as is determined by the regulations. R.S.O. 1960, c. 404, s. 11, *amended.*

Transporta-
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children
to training
school

15.—(1) Every child sent to a training school shall be taken to the training school by a probation officer or other person designated by the judge in his order, and, subject to subsection 2, the actual expense in so doing shall be borne by the municipality liable for maintenance. R.S.O. 1960, c. 404, s. 13 (1), *amended.*

Expenses
in a
provisional
judicial
district

(2) The expenses of conveying a child to a training school from a part of a provisional judicial district not in a municipality are payable out of any money appropriated for the administration of justice in provisional judicial districts. R.S.O. 1960, c. 404, s. 13 (2), *amended.*

Liability
of municipi-
pality

16.—(1) Where a child is sent to a training school, the municipality to which the child belongs is liable,

- (a) to the Department, in the case of an Ontario training school; or
- (b) to the society operating the school, in the case of a private training school,

for the payment of such sum per day as is prescribed by the regulations towards the cost of maintenance of the child for each actual day's stay of the child in the training school or in

a foster home to which the school makes payments for the maintenance of the child. R.S.O. 1960, c. 404, s. 15 (1), *amended*.

(2) For the purposes of this section, a child shall be deemed to belong to the municipality in which he has last resided for the period of one year, but, in the absence of evidence to the contrary, residence for one year in the municipality in which he was taken into custody shall be presumed. R.S.O. 1960, c. 404, s. 15 (2). Where child belongs

(3) Where a child has not resided in any municipality in Ontario for one year, the child shall be deemed to belong to the municipality in which his mother has last resided for one year. R.S.O. 1960, c. 404, s. 15 (3), *amended*. Where mother's residence taken

(4) In the computation of the time in subsections 2 and 3, the time during which the child, or his mother, was an inmate of a children's, infants', maternity or other boarding home, a correctional or charitable institution, a hospital or any home or institution for custodial, medical or other care or supervision shall not be regarded, and the time during which the mother has resided in a municipality while her child was an inmate of any such home or institution shall likewise be disregarded. Periods to be excluded in fixing time

(5) In all other cases, the judge shall determine the municipality to which the child belongs, if any. R.S.O. 1960, c. 404, s. 15 (4, 5). Other cases

17. A municipality declared liable for the maintenance of a child may, within thirty days after the mailing of the certified copy of the order, apply to the judge making the order or to a judge in the county or district in which the parent of the child resides to vary the part of the order declaring the municipality liable. R.S.O. 1960, c. 404, s. 14 (2), *part, amended*. Application to vary municipal liability

18.—(1) A decision upon an appeal under section 13 or 17 or an order under subsection 2 of section 20 is subject to an appeal to the Court of Appeal. Appeals to Court of Appeal

(2) An appeal under this Act on behalf of a child may be made at the instance of a next friend. R.S.O. 1960, c. 404, s. 7 (7), *amended*. Appeal by next friend

19. Each superintendent shall from time to time render to the clerk of every municipality that is liable for the maintenance of one or more children in the training school statements of account of the charges with full particulars thereof, Statements of account to be rendered

and, if any such account is not paid within a reasonable time after it has been rendered, it may be recovered as a debt in a court of competent jurisdiction. R.S.O. 1960, c. 404, s. 16, *amended*.

Municipal
right of
recourse
against
parent

20.—(1) Where a municipality has paid an account rendered to it under this Act, it may recover from a parent the amount of the payment so made as a debt in a court of competent jurisdiction. R.S.O. 1960, c. 404, s. 18 (1), *amended*.

Variation
of parent's
liability

(2) Where a judge finds that a parent is unable to refund the cost of the child's maintenance to the municipality under subsection 1, the judge may order that the parent refund such part thereof as the judge determines, and the judge may vary or rescind the order where the circumstances of the parent have changed. R.S.O. 1960, c. 404, s. 14 (3), *part, amended*.

Application
of section

(3) This section applies whether or not the child is over the age of sixteen years, and nothing in this section relieves the municipality from liability for the charges. R.S.O. 1960, c. 404, s. 14 (3), *part, amended*.

Enforce-
ment of
orders
R.S.O. 1960,
c. 105

(4) The provisions of *The Deserted Wives' and Children's Maintenance Act* with respect to the enforcement of orders apply *mutatis mutandis* to the enforcement of the liability of a parent under this section. R.S.O. 1960, c. 404, s. 14 (5), *amended*.

Municipi-
pality's
right of
recourse
against
another
municipality

21. Where a municipality pays charges under this Act for which another municipality is liable, the municipality that made the payment may recover the amount thereof as a debt due from the other municipality, and, upon payment of the debt, the other municipality is entitled to exercise the right to be refunded conferred by section 20. R.S.O. 1960, c. 404, s. 17, *amended*.

County's
right to
contribution

22. The corporation of a county has the right to recover an amount not exceeding one-half of the charges paid by it in respect of any child for which it is liable under this Act from the corporation of the township, town or village forming a part of the county in which he was a resident at the time of admission to a training school. R.S.O. 1960, c. 404, s. 19, *amended*.

Wardship
of training
school

23.—(1) Upon admission to a training school, a child becomes a ward of the training school, and the superintendent may exercise the rights and duties of a guardian for the purpose of the care, custody and control of the child. R.S.O. 1960, c. 404, s. 21 (1), *part, amended*.

(2) During the period that a child is a ward of a training school, the rights and duties of the child's parent or any other guardian in respect of the care, custody and control of the child are suspended. R.S.O. 1960, c. 404, s. 21 (2), *amended*. Rights of other guardians

(3) The Minister may upon or at any time after the release of a child from a training school order that the wardship of the training school shall cease. Termination of wardship by Minister

(4) The wardship of the training school shall continue until the child attains the age of eighteen years unless the Minister orders that the wardship shall cease before such date. R.S.O. 1960, c. 404, s. 21 (1), *part, amended*. Termination of wardship upon child attaining 18 years of age

24. A clergyman of the religious faith to which a child appears to belong may visit the child at the school for the purpose of instructing him in religion on such days and at such times as are fixed by the superintendent. R.S.O. 1960, c. 404, s. 12, *amended*. Visits by clergymen

25.—(1) The Minister or any officer of the Department designated in writing by the Minister may, Powers of Minister

(a) designate foster homes for the purposes of this Act;

(b) order a child to be transferred,

(i) from one training school to another or to a home, or

(ii) from one home to another or to a training school;

(c) order a child released from a training school upon such conditions as he thinks fit.

(2) Where a child is transferred from a training school to a home, the control of the superintendent is not thereby abated or diminished unless the Minister orders that the wardship of the training school shall cease. R.S.O. 1960, c. 404, s. 22 (1), *amended*. Placing-out of children

26.—(1) If a child sent to a training school escapes therefrom or neglects to attend thereat, he may, at any time before the termination of wardship, be apprehended without warrant and brought back to a training school. R.S.O. 1960, c. 404, s. 23 (1), *amended*. Apprehension on escape

(2) Where a child leaves a home without the permission of the Minister or an officer of the Department designated in writing by the Minister, or refuses to return to the training school, he shall be deemed to have escaped from the training school. R.S.O. 1960, c. 404, s. 23 (2), *amended*. What to be deemed an escape

Penalties

27. Every person,

- (a) who aids or abets any child to escape from or unlawfully leave a training school or home;
- (b) who knowingly harbours or conceals a child who has escaped from or unlawfully left a training school or home, without giving notice of the child's whereabouts to the training school or to the local police authorities; or
- (c) who knowingly makes, or procures to be made, any false statement in any return required under this Act,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$500 or to imprisonment for a term of not more than three months, or to both. R.S.O. 1960, c. 404, s. 24, *amended*.

Regulations

28. The Lieutenant Governor in Council may make regulations,

- (a) regarding the management, discipline, government and control of training schools and the maintenance of the buildings, premises and equipment thereof;
- (b) regulating the conduct and discipline of children in training schools;
- (c) prescribing the type of training, treatment and moral, physical, academic and vocational education to be provided in training schools and setting standards of instruction;
- (d) prescribing the conditions under which children may leave training schools;
- (e) for determining the training schools to which children may be sent under section 14;
- (f) providing for the use in a training school of such products and articles as may be produced on the premises thereof, and for the sale of any surplus products or articles that may be produced or manufactured on the premises thereof;
- (g) prescribing the records, books, account systems, audits, reports and returns to be kept and made by or pertaining to training schools;

- (h) prescribing the duties of The Training Schools Advisory Board in addition to those duties mentioned in section 6;
- (i) prescribing the powers and duties of superintendents, including the control that they may exercise over the children under their care;
- (j) providing for the apportionment and distribution of grants to societies maintaining private training schools out of moneys appropriated therefor by the Legislature and for the conditions governing the payment thereof;
- (k) prescribing the amount that municipalities shall pay for the maintenance in training schools of children who belong to the municipality;
- (l) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.
R.S.O. 1960, c. 404, ss. 25, 26, *amended*.

29. *The Training Schools Act* and *The Training Schools Amendment Act, 1961-62* are repealed. R.S.O. 1960,
c. 404;
1961-62,
c. 139,
repealed

30. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commence-
ment

31. This Act may be cited as *The Training Schools Act, 1965*. Short title

1871

1872

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The Training Schools Act, 1965

1st Reading

February 11th, 1965

2nd Reading

March 2nd, 1965

3rd Reading

MR. GROSSMAN

*(Reprinted as amended by the
Committee of the Whole House)*

BILL 25

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

The Training Schools Act, 1965

MR. GROSSMAN

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BILL 25

1965

The Training Schools Act, 1965

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Department" means the Department of Reform Institutions;
- (b) "foster home" means a foster home designated under section 25;
- (c) "home" means a foster home or home of the parent to which a child is transferred from a training school while a ward of such training school;
- (d) "inspector" means an officer of the Department designated as such by the Minister;
- (e) "judge" means a judge of a juvenile and family court, or a magistrate;
- (f) "Minister" means the Minister of Reform Institutions;
- (g) "municipality" means a county, metropolitan municipality, city or separated town, and in a provisional judicial district means a city or a town having a population of 5,000 or over or a township having a population of 5,000 or over;
- (h) "Ontario training school" means a training school established under section 3;
- (i) "parent" means a person who is under a legal duty to provide for a child;

- (j) "private training school" means a training school established under section 4;
- (k) "regulations" means the regulations made under this Act;
- (l) "society" means a religious society, organization or order or a charitable or philanthropic organization;
- (m) "superintendent" means the superintendent or other person in charge of a training school;
- (n) "training school" means an Ontario training school or a private training school. R.S.O. 1960, c. 404, s. 1, *amended*.

Purpose of
training
school

2. The purpose of a training school is to provide the children therein with training and treatment and with moral, physical, academic and vocational education. R.S.O. 1960, c. 404, s. 2 (1), *amended*.

Ontario
training
schools

3.—(1) The Lieutenant Governor in Council may provide for the establishment of Ontario training schools. R.S.O. 1960, c. 404, s. 3 (1).

Property

(2) All real property and chattels acquired by purchase, gift or otherwise and for the use of Ontario training schools are vested in the Crown, represented by the Minister of Public Works. R.S.O. 1960, c. 404, s. 3 (3), *amended*.

Cost

(3) The cost of establishing and maintaining Ontario training schools shall be paid out of such moneys as are appropriated therefor by the Legislature, and all revenues from whatsoever source derived by or pertaining to Ontario training schools shall form part of the Consolidated Revenue Fund. R.S.O. 1960, c. 404, s. 3 (4), *amended*.

Private
training
schools

4.—(1) The Lieutenant Governor in Council may authorize any society to establish and maintain a private training school, and, subject to the other provisions of this Act, a society so authorized is responsible for the maintenance in proper condition of the training school, its premises and equipment, and the Lieutenant Governor in Council may cancel any such authority for any reason that in his opinion warrants such cancellation. R.S.O. 1960, c. 404, s. 4 (1), *amended*.

Approval
of plans
and sales

(2) A society shall not erect, acquire, establish, change the site of, add to or structurally alter a private training school until the site and plans thereof have been approved by the Minister, and a society shall not sell or dispose of the premises

of a private training school, or any part thereof, until the sale or disposal has been approved by the Minister. R.S.O. 1960, c. 404, s. 3 (3), *amended*.

(3) Any religious corporation may set apart and grant or lease for a nominal consideration or otherwise for the purposes of a private training school any land that it has a general power to dispose of for religious, charitable or educational purposes without being deemed guilty of a breach of trust. R.S.O. 1960, c. 404, s. 4 (4). Granting or leasing of land

5. A training school shall bear such name or other designation as is approved by the Lieutenant Governor in Council. R.S.O. 1960, c. 404, s. 4 (2), *amended*. Name

6.—(1) There shall be a board of not more than five members to be known as The Training Schools Advisory Board, the members of which shall be appointed by the Lieutenant Governor in Council and shall hold office during pleasure, and the Lieutenant Governor in Council may designate one of the members to be chairman of the Advisory Board. R.S.O. 1960, c. 404, s. 5 (1), *amended*. Advisory Board

(2) The Minister may appoint a secretary for the Advisory Board. Secretary

(3) The Advisory Board shall meet at the call of the Minister or the chairman. R.S.O. 1960, c. 404, s. 5 (2, 3). Meetings

(4) The Advisory Board shall act in an advisory capacity to the Minister and, when so requested by him, shall consult with him as to the administration of this Act and of training schools. R.S.O. 1960, c. 404, s. 5 (4), *amended*. Advisory Board to act in advisory capacity

(5) The Advisory Board shall, by visiting and otherwise investigating training schools, ascertain the condition thereof and the welfare of the children therein, and shall report to the Minister and make such recommendations as it deems advisable. R.S.O. 1960, c. 404, s. 5 (5), *amended*. Investigation of training schools

(6) The members of the Advisory Board shall serve without remuneration, but the Lieutenant Governor in Council may fix a *per diem* allowance to be payable to each member, and every member is entitled to his reasonable and necessary travelling expenses, as certified by the chairman, for attendance at meetings and in the transaction of the business of the Advisory Board. R.S.O. 1960, c. 404, s. 5 (7). Allowance as member of Advisory Board

7.—(1) Every training school shall be inspected at least twice a year by an inspector, who shall be given free access to all parts of its premises and to all its books and records Inspection of training schools

and who shall make such inquiries as are necessary to determine the training and welfare of the staff and wards therein, and, in the case of a private training school, the inspector also has authority to inspect the books and records of the society maintaining the training school in so far as they relate to the training school. R.S.O. 1960, c. 404, s. 6 (1), *amended*.

Minister
may request
inspection
of training
school

(2) The Minister may request any inspector or other officer of the Department or employee of any other department to conduct an inspection of any training school for any special purpose, and, for the purposes of the inspection, such inspector, officer or employee has the same powers as an inspector under subsection 1.

Reports on
inspections

(3) The inspector and any other person who conducts an inspection under this section shall make such reports as the Minister requires. R.S.O. 1960, c. 404, s. 6 (2, 3).

Certain
children
under 16
may be
sent to a
training
school

8.—(1) Upon the application of any person, a judge may order in writing that a child under sixteen years of age at the time the order is made be sent to a training school where the judge is satisfied that,

- (a) the parent or guardian of the child is unable to control the child or to provide for his social, emotional or educational needs;
- (b) the care of the child by any other agency of child welfare would be insufficient or impracticable; and
- (c) the child needs the training and treatment available at a training school,

and the order shall state the facts upon which the decision is based. R.S.O. 1960, c. 404, s. 7 (1), *amended*.

Proceedings
before judge

(2) Where an application is made under subsection 1, the judge shall,

- (a) hear the child; and
- (b) hear the evidence of or on behalf of the person who has submitted the application and make adequate inquiry into the truth of such evidence. R.S.O. 1960, c. 404, s. 7 (2), *amended*.

Evidence
to be under
oath and
transcribed

(3) The evidence shall be given under oath and shall be taken down and transcribed,

- (a) by the court stenographer, where the proceedings are in a juvenile and family court; and

- (b) by a stenographer appointed by the judge, where the proceedings are not in a juvenile and family court or where the juvenile and family court does not have a stenographer. R.S.O. 1960, c. 404, s. 7 (3), *amended*.

(4) Stenographers appointed under clause *b* of subsection 3 shall be paid according to the rate prescribed under *The Magistrates Act* for taking down and transcribing evidence, and the fees are payable by the municipality to which the child belongs, but, where the child belongs to territory without municipal organization, the fees are payable out of any money appropriated for the administration of justice in provisional judicial districts. R.S.O. 1950, c. 404, s. 7 (4), *amended*. Steno-
graphers'
fees
R.S.O. 1960,
c. 226

(5) The judge shall hear all cases coming before him under this section *in camera*. R.S.O. 1960, c. 404, s. 7 (5). Hearing in
private

9. A judge may order that a child be sent to a training school where, Other cases

- (a) the child is at least twelve years of age and under sixteen years of age at the time the order is made; and
- (b) the child has contravened any statute in force in Ontario, which contravention would be punishable by imprisonment if committed by an adult. *New.*

10. A child shall not be admitted to a training school except in accordance with this Act. *New.*

All admis-
sions to
be in
accordance
with this
Act

11. The judge in his order sending a child to a training school shall, Contents
of order

- (a) designate the municipality to which the child belongs, if any;
- (b) state, where practicable, the name, age and religious faith of the child; and
- (c) provide for the payment of the cost of maintenance of the child in accordance with this Act. R.S.O. 1960, c. 404, s. 14 (1), *amended*.

12.—(1) Where a judge orders that a child be sent to a training school, the judge shall cause a copy of the evidence taken before him to be sent to the superintendent of the training school and a copy to be sent to the Department. R.S.O. 1960, c. 404, s. 9, *amended*. Copy of
evidence to
superinten-
dent and
Department

(2) The clerk of the court shall send by registered mail a certified copy of the order to the clerk of the municipality declared liable for the maintenance of the child to the parent Clerk to
mail copies
of order

of the child, to the Department and to any other person the judge deems necessary. R.S.O. 1960, c. 404, s. 14 (2), *part, amended.*

Appeal to
county or
district
court

13.—(1) A decision under section 8 granting or refusing an order to send a child to a training school may be appealed to the judge of the county or district court of the county or district in which the application was made, but, where the judge who made the decision is a county or district court judge, the appeal shall be heard and disposed of by any other county or district court judge in the same county or district court district.

Appeal to
Supreme
Court
judge

(2) A decision under section 9 may be appealed to a judge of the Supreme Court. *New.*

Religion of
child to be
considered

14. As far as practicable, a Roman Catholic child shall be sent to such training school maintained by a Roman Catholic society or to such Ontario training school designated by the Minister as non-denominational as is determined by the regulations, and a child of any other religious faith shall be sent to such Ontario training school or such private training school, other than one maintained by a Roman Catholic society, as is determined by the regulations. R.S.O. 1960, c. 404, s. 11, *amended.*

Transporta-
tion of
children
to training
school

15.—(1) Every child sent to a training school shall be taken to the training school by a probation officer or other person designated by the judge in his order, and, subject to subsection 2, the actual expense in so doing shall be borne by the municipality liable for maintenance. R.S.O. 1960, c. 404, s. 13 (1), *amended.*

Expenses
in a
provisional
judicial
district

(2) The expenses of conveying a child to a training school from a part of a provisional judicial district not in a municipality are payable out of any money appropriated for the administration of justice in provisional judicial districts. R.S.O. 1960, c. 404, s. 13 (2), *amended.*

Liability
of muni-
cipality

16.—(1) Where a child is sent to a training school, the municipality to which the child belongs is liable,

(a) to the Department, in the case of an Ontario training school; or

(b) to the society operating the school, in the case of a private training school,

for the payment of such sum per day as is prescribed by the regulations towards the cost of maintenance of the child for each actual day's stay of the child in the training school or in

a foster home to which the school makes payments for the maintenance of the child. R.S.O. 1960, c. 404, s. 15 (1), *amended*.

(2) For the purposes of this section, a child shall be deemed to belong to the municipality in which he has last resided for the period of one year, but, in the absence of evidence to the contrary, residence for one year in the municipality in which he was taken into custody shall be presumed. R.S.O. 1960, c. 404, s. 15 (2). Where child belongs

(3) Where a child has not resided in any municipality in Ontario for one year, the child shall be deemed to belong to the municipality in which his mother has last resided for one year. R.S.O. 1960, c. 404, s. 15 (3), *amended*. Where mother's residence taken

(4) In the computation of the time in subsections 2 and 3, the time during which the child, or his mother, was an inmate of a children's, infants', maternity or other boarding home, a correctional or charitable institution, a hospital or any home or institution for custodial, medical or other care or supervision shall not be regarded, and the time during which the mother has resided in a municipality while her child was an inmate of any such home or institution shall likewise be disregarded. Periods to be excluded in fixing time

(5) In all other cases, the judge shall determine the municipality to which the child belongs, if any. R.S.O. 1960, c. 404, s. 15 (4, 5). Other cases

17. A municipality declared liable for the maintenance of a child may, within thirty days after the mailing of the certified copy of the order, apply to the judge making the order or to a judge in the county or district in which the parent of the child resides to vary the part of the order declaring the municipality liable. R.S.O. 1960, c. 404, s. 14 (2), *part, amended*. Application to vary municipal liability

18.—(1) A decision upon an appeal under section 13 or 17 or an order under subsection 2 of section 20 is subject to an appeal to the Court of Appeal. Appeals to Court of Appeal

(2) An appeal under this Act on behalf of a child may be made at the instance of a next friend. R.S.O. 1960, c. 404, s. 7 (7), *amended*. Appeal by next friend

19. Each superintendent shall from time to time render to the clerk of every municipality that is liable for the maintenance of one or more children in the training school statements of account of the charges with full particulars thereof, Statements of account to be rendered

and, if any such account is not paid within a reasonable time after it has been rendered, it may be recovered as a debt in a court of competent jurisdiction. R.S.O. 1960, c. 404, s. 16, *amended*.

Municipal
right of
recourse
against
parent

20.—(1) Where a municipality has paid an account rendered to it under this Act, it may recover from a parent the amount of the payment so made as a debt in a court of competent jurisdiction. R.S.O. 1960, c. 404, s. 18 (1), *amended*.

Variation
of parent's
liability

(2) Where a judge finds that a parent is unable to refund the cost of the child's maintenance to the municipality under subsection 1, the judge may order that the parent refund such part thereof as the judge determines, and the judge may vary or rescind the order where the circumstances of the parent have changed. R.S.O. 1960, c. 404, s. 14 (3), *part, amended*.

Application
of section

(3) This section applies whether or not the child is over the age of sixteen years, and nothing in this section relieves the municipality from liability for the charges. R.S.O. 1960, c. 404, s. 14 (3), *part, amended*.

Enforce-
ment of
orders
R.S.O. 1960,
c. 105

(4) The provisions of *The Deserted Wives' and Children's Maintenance Act* with respect to the enforcement of orders apply *mutatis mutandis* to the enforcement of the liability of a parent under this section. R.S.O. 1960, c. 404, s. 14 (5), *amended*.

Muni-
cipality's
right of
recourse
against
another
municipality

21. Where a municipality pays charges under this Act for which another municipality is liable, the municipality that made the payment may recover the amount thereof as a debt due from the other municipality, and, upon payment of the debt, the other municipality is entitled to exercise the right to be refunded conferred by section 20. R.S.O. 1960, c. 404, s. 17, *amended*.

County's
right to
contribution

22. The corporation of a county has the right to recover an amount not exceeding one-half of the charges paid by it in respect of any child for which it is liable under this Act from the corporation of the township, town or village forming a part of the county in which he was a resident at the time of admission to a training school. R.S.O. 1960, c. 404, s. 19, *amended*.

Wardship
of training
school

23.—(1) Upon admission to a training school, a child becomes a ward of the training school, and the superintendent may exercise the rights and duties of a guardian for the purpose of the care, custody and control of the child. R.S.O. 1960, c. 404, s. 21 (1), *part, amended*.

(2) During the period that a child is a ward of a training school, the rights and duties of the child's parent or any other guardian in respect of the care, custody and control of the child are suspended. R.S.O. 1960, c. 404, s. 21 (2), *amended*. Rights of other guardians

(3) The Minister may upon or at any time after the release of a child from a training school order that the wardship of the training school shall cease. Termination of wardship by Minister

(4) The wardship of the training school shall continue until the child attains the age of eighteen years unless the Minister orders that the wardship shall cease before such date. R.S.O. 1960, c. 404, s. 21 (1), *part, amended*. Termination of wardship upon child attaining 18 years of age

24. A clergyman of the religious faith to which a child appears to belong may visit the child at the school for the purpose of instructing him in religion on such days and at such times as are fixed by the superintendent. R.S.O. 1960, c. 404, s. 12, *amended*. Visits by clergymen

25.—(1) The Minister or any officer of the Department designated in writing by the Minister may, Powers of Minister

(a) designate foster homes for the purposes of this Act;

(b) order a child to be transferred,

(i) from one training school to another or to a home, or

(ii) from one home to another or to a training school;

(c) order a child released from a training school upon such conditions as he thinks fit.

(2) Where a child is transferred from a training school to a home, the control of the superintendent is not thereby abated or diminished unless the Minister orders that the wardship of the training school shall cease. R.S.O. 1960, c. 404, s. 22 (1), *amended*. Placing-out of children

26.—(1) If a child sent to a training school escapes therefrom or neglects to attend thereat, he may, at any time before the termination of wardship, be apprehended without warrant and brought back to a training school. R.S.O. 1960, c. 404, s. 23 (1), *amended*. Apprehension on escape

(2) Where a child leaves a home without the permission of the Minister or an officer of the Department designated in writing by the Minister, or refuses to return to the training school, he shall be deemed to have escaped from the training school. R.S.O. 1960, c. 404, s. 23 (2), *amended*. What to be deemed an escape

Penalties **27.** Every person,

- (a) who aids or abets any child to escape from or unlawfully leave a training school or home;
- (b) who knowingly harbours or conceals a child who has escaped from or unlawfully left a training school or home, without giving notice of the child's whereabouts to the training school or to the local police authorities; or
- (c) who knowingly makes, or procures to be made, any false statement in any return required under this Act,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$500 or to imprisonment for a term of not more than three months, or to both. R.S.O. 1960, c. 404, s. 24, *amended*.

Regulations **28.** The Lieutenant Governor in Council may make regulations,

- (a) regarding the management, discipline, government and control of training schools and the maintenance of the buildings, premises and equipment thereof;
- (b) regulating the conduct and discipline of children in training schools;
- (c) prescribing the type of training, treatment and moral, physical, academic and vocational education to be provided in training schools and setting standards of instruction;
- (d) prescribing the conditions under which children may leave training schools;
- (e) for determining the training schools to which children may be sent under section 14;
- (f) providing for the use in a training school of such products and articles as may be produced on the premises thereof, and for the sale of any surplus products or articles that may be produced or manufactured on the premises thereof;
- (g) prescribing the records, books, account systems, audits, reports and returns to be kept and made by or pertaining to training schools;

- (h) prescribing the duties of The Training Schools Advisory Board in addition to those duties mentioned in section 6;
- (i) prescribing the powers and duties of superintendents, including the control that they may exercise over the children under their care;
- (j) providing for the apportionment and distribution of grants to societies maintaining private training schools out of moneys appropriated therefor by the Legislature and for the conditions governing the payment thereof;
- (k) prescribing the amount that municipalities shall pay for the maintenance in training schools of children who belong to the municipality;
- (l) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.
R.S.O. 1960, c. 404, ss. 25, 26, *amended*.

29. *The Training Schools Act* and *The Training Schools Amendment Act, 1961-62* are repealed.

R.S.O. 1960,
c. 404;
1961-62,
c. 139,
repealed

30. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Commence-
ment

31. This Act may be cited as *The Training Schools Act*, 1965.

Short title

THE UNIVERSITY OF CHICAGO

PHILOSOPHY DEPARTMENT

1950-1951

1952-1953

1954-1955

1956-1957

1958-1959

1960-1961

1962-1963

1964-1965

1966-1967

1968-1969

1970-1971

1972-1973

The Training Schools Act, 1965

1st Reading

February 11th, 1965

2nd Reading

March 2nd, 1965

3rd Reading

April 14th, 1965

MR. GROSSMAN

BILL 26

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Bees Act

MR. STEWART

BILL 26

1965

An Act to amend The Bees Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 19 of *The Bees Act*, as re-enacted by subsection 1 of section 1 of *The Bees Amendment Act, 1961-62*, is amended by inserting after "municipality" in the first and second lines "or suburban district designated under this section", so that the subsection shall read as follows:

R.S.O. 1960,
c. 33, s. 19,
subs. 1
(1961-62,
c. 8, s. 1,
subs. 1),
amended

- (1) No person in a place other than an urban municipality or suburban district designated under this section shall place or leave hives containing bees within thirty feet of a highway, dwelling or cultivated field.

Location
of hives

(2) Subsection 3 of the said section 19, as enacted by subsection 2 of section 1 of *The Bees Amendment Act, 1961-62*, is amended by inserting after "municipality" in the first line "or suburban district designated under this section", so that the subsection shall read as follows:

R.S.O. 1960,
c. 33, s. 19,
subs. 3
(1961-62,
c. 8, s. 1,
subs. 2),
amended

- (3) No person in an urban municipality or suburban district designated under this section shall place or leave hives containing bees within 100 feet of a property line separating the lands on which the hives are placed or left from lands occupied by a dwelling or used for purposes of a community centre, public park or other place of public assembly or recreation.

Location
of hives
in urban
municipalities,
etc.

(3) The said section 19 is amended by adding thereto the following subsections:

R.S.O. 1960,
c. 33, s. 19,
amended

- (4) The council of any township may pass by-laws designating as a suburban district any part of the township that adjoins an urban municipality or that adjoins another designated suburban district.

By-laws
designating
suburban
districts

Approval of
Minister

(5) A by-law passed under subsection 4 shall not take effect until it is approved by the Minister.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Bees Amendment Act, 1965*.



An Act to amend The Bees Act

1st Reading

February 11th, 1965

2nd Reading

3rd Reading

MR. STEWART

BILL 26

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Bees Act

MR. STEWART

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BILL 26

1965

An Act to amend The Bees Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 19 of *The Bees Act*, as re-enacted by subsection 1 of section 1 of *The Bees Amendment Act, 1961-62*, is amended by inserting after “municipality” in the first and second lines “or suburban district designated under this section”, so that the subsection shall read as follows: R.S.O. 1960,
c. 33, s. 19,
subs. 1
(1961-62,
c. 8, s. 1,
subs. 1),
amended

- (1) No person in a place other than an urban municipality or suburban district designated under this section shall place or leave hives containing bees within thirty feet of a highway, dwelling or cultivated field. Location
of hives

(2) Subsection 3 of the said section 19, as enacted by subsection 2 of section 1 of *The Bees Amendment Act, 1961-62*, is amended by inserting after “municipality” in the first line “or suburban district designated under this section”, so that the subsection shall read as follows: R.S.O. 1960,
c. 33, s. 19,
subs. 3
(1961-62,
c. 8, s. 1,
subs. 2),
amended

- (3) No person in an urban municipality or suburban district designated under this section shall place or leave hives containing bees within 100 feet of a property line separating the lands on which the hives are placed or left from lands occupied by a dwelling or used for purposes of a community centre, public park or other place of public assembly or recreation. Location
of hives
in urban
municipalities,
etc.

(3) The said section 19 is amended by adding thereto the following subsections: R.S.O. 1960,
c. 33, s. 19,
amended

- (4) The council of any township may pass by-laws designating as a suburban district any part of the township that adjoins an urban municipality or that adjoins another designated suburban district. By-laws
designating
suburban
districts

Approval of
Minister

(5) A by-law passed under subsection 4 shall not take effect until it is approved by the Minister.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Bees Amendment Act, 1965*.



An Act to amend The Bees Act

1st Reading

February 11th, 1965

2nd Reading

February 19th, 1965

3rd Reading

April 2nd, 1965

MR. STEWART

BILL 27

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Vital Statistics Act

MR. YAREMKO

EXPLANATORY NOTES

SECTION 1. The requirement to issue an acknowledgement of the registration of a birth is dispensed with.

SECTION 2. The form for an application for registration of birth is dispensed with as unnecessary in view of the other material required to accompany the application.

SECTION 3. At present, only both parents or a surviving parent can apply for registration of the legitimation of a child. The persons who can apply are extended, where both parents are dead or mentally incapable, to a guardian or to the child if he is not a minor.

BILL 27

1965

An Act to amend The Vital Statistics Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 2 and 3 of section 9 of *The Vital Statistics Act* are repealed. R.S.O. 1960,
c. 419, s. 9,
subss. 2, 3,
repealed

2. Subsection 1 of section 10 of *The Vital Statistics Act* is amended by striking out "in the prescribed form" in the fourth line, so that the subsection shall read as follows: R.S.O. 1960,
c. 419, s. 10,
subs. 1,
amended

(1) If the birth of a child has not been registered within one year from the day of the birth, application for the registration of the birth may be made to the Registrar General by the person whose birth has not been registered or by any other person. Registration
of birth by
Registrar
General

3. Subsection 1 of section 12 of *The Vital Statistics Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 419, s. 12,
subs. 1,
re-enacted

(1) Where a child has been legitimated by the subsequent intermarriage of his parents and, Registration
of child
legitimated
by sub-
sequent
marriage

(a) the parents of the child;

(b) where one parent is dead or mentally incapable, the other parent of the child; or

(c) where both parents are dead or mentally incapable,

(i) the guardian or person *in loco parentis* of the child, or

(ii) the child if he is of the age of twenty-one years or more,

completes and certifies the statement required under subsection 1 of section 6, delivers the statement to the Registrar General together with such evidence as to the legitimation as is required by the Registrar General and pays the prescribed fee, the Registrar General shall,

(d) register the birth as if the parents had been married to each other at the time of the birth; and

(e) make a notation on the statement that the registration was made under this section,

and the statement constitutes the registration of the birth.

R.S.O. 1960,
c. 419, s. 13,
subs. 5,
amended

4. Subsection 5 of section 13 of *The Vital Statistics Act* is amended by striking out "officer designated by the regulations" in the second and third lines and inserting in lieu thereof "person making the notation", so that the subsection shall read as follows:

Notation to
be dated and
initialled

(5) Every notation made pursuant to this section shall be dated and initialled by the person making the notation.

R.S.O. 1960,
c. 419, s. 21,
subs. 5,
amended

5. Subsection 5 of section 21 of *The Vital Statistics Act* is amended by striking out "as evidence of his having complied with this Act" in the first and second lines and inserting in lieu thereof "for a period of at least two years after the burial", so that the subsection shall read as follows:

Cemetery
owner to
retain burial
permit

(5) The cemetery owner shall retain the burial permit for a period of at least two years after the burial.

R.S.O. 1960,
c. 419, s. 33,
subs. 2,
amended

6.—(1) Subsection 2 of section 33 of *The Vital Statistics Act* is amended by striking out "filed with the substituted registration" in the fourth and fifth lines and inserting in lieu thereof "kept in a separate file and sealed", so that the subsection shall read as follows:

Order
to be
attached to
registration

(2) Where an order is made under subsection 1, the Registrar General shall attach the order to, and cause a notation of the order to be made on, the existing registration, and the existing registration and order shall be kept in a separate file and sealed.

R.S.O. 1960,
c. 419, s. 33,
subs. 3,
re-enacted

(2) Subsection 3 of the said section 33 is repealed and the following substituted therefor:

SECTION 4. The necessity of naming in the regulations the officers who may make notations of the alteration of given names is removed, and the persons who may make such notations are determined by the Registrar General under subsection 1 of section 13 of the Act.

SECTION 5. The period during which cemetery owners are required to retain burial permits is now indefinite. The amendment requires burial permits to be retained for two years.

SECTION 6. Where a registration of the birth of a child to an unmarried mother or to a woman living apart from her husband contains erroneous or prohibited information in respect of the father or husband in contravention of section 6, the amendment requires the erroneous information to be sealed.

SECTION 7. Under the Act, certain information concerning burials is required to be deposited with or collected by a funeral director. The amendment requires this information to be held in confidence by the funeral director.

- (3) Where a substituted registration of birth is made and ^{Certificates and certified copies} an application is made for a birth certificate or certified copy of registration in respect of the birth, the certificate or certified copy shall be issued having regard to the substituted registration only.

7. Section 50 of *The Vital Statistics Act* is amended by ^{R.S.O. 1960, c. 419, s. 50, amended} striking out "or sub-registrar and no" in the first line and inserting in lieu thereof "sub-registrar, funeral director or", so that the subsection shall read as follows:

50. No division registrar, sub-registrar, funeral director ^{Secrecy} or person employed in the service of Her Majesty shall communicate or allow to be communicated to any person not entitled thereto any information obtained under this Act, or allow any such person to inspect or have access to any records containing information obtained under this Act.

8. This Act comes into force on the day it receives Royal ^{Commence-ment} Assent.

9. This Act may be cited as *The Vital Statistics Amendment* ^{Short title} *Act, 1965*.

An Act to amend The Vital Statistics Act

1st Reading

February 12th, 1965

2nd Reading

3rd Reading

MR. YAREMKO

BILL 27

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Vital Statistics Act

MR. YAREMKO

General Instructions for the use of the

Instructions for the use of the

Instructions for the use of the

BILL 27

1965

An Act to amend The Vital Statistics Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 2 and 3 of section 9 of *The Vital Statistics Act* are repealed. R.S.O. 1960,
c. 419, s. 9,
subs. 2, 3,
repealed

2. Subsection 1 of section 10 of *The Vital Statistics Act* is amended by striking out "in the prescribed form" in the fourth line, so that the subsection shall read as follows: R.S.O. 1960,
c. 419, s. 10,
subs. 1,
amended

- (1) If the birth of a child has not been registered within one year from the day of the birth, application for the registration of the birth may be made to the Registrar General by the person whose birth has not been registered or by any other person. Registration
of birth by
Registrar
General

3. Subsection 1 of section 12 of *The Vital Statistics Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 419, s. 12,
subs. 1,
re-enacted

- (1) Where a child has been legitimated by the subsequent intermarriage of his parents and, Registration
of child
legitimated
by sub-
sequent
marriage

(a) the parents of the child;

(b) where one parent is dead or mentally incapable, the other parent of the child; or

(c) where both parents are dead or mentally incapable,

(i) the guardian or person *in loco parentis* of the child, or

(ii) the child if he is of the age of twenty-one years or more,

completes and certifies the statement required under subsection 1 of section 6, delivers the statement to the Registrar General together with such evidence as to the legitimation as is required by the Registrar General and pays the prescribed fee, the Registrar General shall,

(d) register the birth as if the parents had been married to each other at the time of the birth; and

(e) make a notation on the statement that the registration was made under this section,

and the statement constitutes the registration of the birth.

R.S.O. 1960,
c. 419, s. 13,
subs. 5,
amended

4. Subsection 5 of section 13 of *The Vital Statistics Act* is amended by striking out "officer designated by the regulations" in the second and third lines and inserting in lieu thereof "person making the notation", so that the subsection shall read as follows:

Notation to
be dated and
initialled

(5) Every notation made pursuant to this section shall be dated and initialled by the person making the notation.

R.S.O. 1960,
c. 419, s. 21,
subs. 5,
amended

5. Subsection 5 of section 21 of *The Vital Statistics Act* is amended by striking out "as evidence of his having complied with this Act" in the first and second lines and inserting in lieu thereof "for a period of at least two years after the burial", so that the subsection shall read as follows:

Cemetery
owner to
retain burial
permit

(5) The cemetery owner shall retain the burial permit for a period of at least two years after the burial.

R.S.O. 1960,
c. 419, s. 33,
subs. 2,
amended

6.—(1) Subsection 2 of section 33 of *The Vital Statistics Act* is amended by striking out "filed with the substituted registration" in the fourth and fifth lines and inserting in lieu thereof "kept in a separate file and sealed", so that the subsection shall read as follows:

Order
to be
attached to
registration

(2) Where an order is made under subsection 1, the Registrar General shall attach the order to, and cause a notation of the order to be made on, the existing registration, and the existing registration and order shall be kept in a separate file and sealed.

R.S.O. 1960,
c. 419, s. 33,
subs. 3,
re-enacted

(2) Subsection 3 of the said section 33 is repealed and the following substituted therefor:

- (3) Where a substituted registration of birth is made and an application is made for a birth certificate or ^{Certificates and certified copies} certified copy of registration in respect of the birth, the certificate or certified copy shall be issued having regard to the substituted registration only.

7. Section 50 of *The Vital Statistics Act* is amended by ^{R.S.O. 1960, c. 419, s. 50, amended} striking out "or sub-registrar and no" in the first line and inserting in lieu thereof "sub-registrar, funeral director or", so that the subsection shall read as follows:

50. No division registrar, sub-registrar, funeral director ^{Secrecy} or person employed in the service of Her Majesty shall communicate or allow to be communicated to any person not entitled thereto any information obtained under this Act, or allow any such person to inspect or have access to any records containing information obtained under this Act.

8. This Act comes into force on the day it receives Royal <sup>Commence-
ment</sup> Assent.

9. This Act may be cited as *The Vital Statistics Amendment Act, 1965*. ^{Short title}

THE UNIVERSITY OF CHICAGO
DIVISION OF THE PHYSICAL SCIENCES
DEPARTMENT OF CHEMISTRY
530 SOUTH EAST ASIAN AVENUE
CHICAGO, ILLINOIS 60607-7070

RECEIVED: 1998-01-15
15 JAN 1998 15:15
15 JAN 1998 15:15

TO: THE DIRECTOR, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
4800 BAYVIEW AVENUE
HOUSTON, TEXAS 77058-5081
FROM: THE DIRECTOR, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
4800 BAYVIEW AVENUE
HOUSTON, TEXAS 77058-5081

SUBJECT: [Illegible]

REFERENCE: [Illegible]

1. [Illegible]

2. [Illegible]

3. [Illegible]

4. [Illegible]

5. [Illegible]

An Act to amend The Vital Statistics Act

1st Reading

February 12th, 1965

2nd Reading

February 19th, 1965

3rd Reading

April 14th, 1965

MR. YAREMKO

BILL 28

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Marriage Act

MR. YAREMKO

EXPLANATORY NOTES

SECTION 1. The amendment prescribes the form of consent required to the marriage of a person under the age of 18 years.

SECTIONS 2 and 3. At present, the age of an applicant for a marriage licence is proved by depositing the birth certificate with the issuer. The amendment would require the birth certificate to be merely shown.

SECTION 4. The present fee for a marriage licence is \$5, of which \$4 is paid to the Treasurer of Ontario and \$1 is retained by the issuer. The amendment increases these amounts to \$10, \$7 and \$3, respectively.

BILL 28

1965

An Act to amend The Marriage Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 7 of *The Marriage Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 228, s. 7,
amended

(4a) A consent required by this section shall be in Form 11 or in such other form as the Provincial Secretary deems sufficient, and the person giving the consent shall certify that the information and particulars contained therein are true and correct. Form of
consent

2. Clause *b* of subsection 1 of section 13 of *The Marriage Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 228, s. 13,
subs. 1,
cl. b,
re-enacted

(b) one of the parties shall make an affidavit (Form 4) and,

(i) produce to the issuer a birth certificate of the other party, or

(ii) deposit with the issuer an affidavit by the other party or by some member of his family having personal knowledge of the facts, stating the age, date and place of birth of such other party; provided that, where the affidavit is made by the other party to the intended marriage, it is sufficient to state his age, date and place of birth, according to the best of his knowledge, information and belief.

3. Item 8 of subsection 2 of section 36 of *The Marriage Act* is repealed. R.S.O. 1960,
c. 228, s. 36,
subs. 2,
item 8,
repealed

4. Subsections 1 and 2 of section 38 of *The Marriage Act* are repealed and the following substituted therefor: R.S.O. 1960,
c. 228, s. 38,
subs. 1, 2,
re-enacted

Licence
fee

- (1) The fee for a licence is \$10, of which sum \$7 shall be remitted by the issuer to the Treasurer of Ontario.

Idem

- (2) The issuer shall retain \$3 from the licence fee for his own use.

R.S.O. 1960,
c. 228, s. 50,
amended

5. Section 50 of *The Marriage Act* is amended by adding at the commencement thereof "Subject to section 50a", so that the section shall read as follows:

False
statements

50. Subject to section 50a, every person who knowingly makes any false statement in any document required under this Act, in addition to any other penalty or punishment to which he may be liable, is guilty of an offence and on summary conviction is liable to a fine of not less than \$200 and not more than \$500 or to imprisonment for a term of not more than one year, or to both.

R.S.O. 1960,
c. 228,
amended

6. *The Marriage Act* is amended by adding thereto the following section:

Idem

- 50a. Every person who knowingly makes a false statement in a certificate required by subsection 4a of section 7 is guilty of an offence and on summary conviction is liable to a fine of not more than \$500.

R.S.O. 1960,
c. 228,
amended

7. *The Marriage Act* is amended by adding thereto the following form:

FORM 11

(Section 7)

CONSENT OF PARENT OR GUARDIAN TO MARRIAGE

Province of Ontario

IN THE MATTER OF the proposed marriage

of of
(name in full) (address—giving street
and number)

To Wit:

and of
(name in full) (address—giving street
and number)

I,
(name in full)

of the of
(city, town, village or township)

in the of
(county or district)

in the of
(province)

....., HEREBY DECLARE:
(occupation)

SECTIONS 5 and 6. The amendments prescribe the penalty for a false statement as to consent to the marriage of a person under 18 years of age.

SECTION 7. Complementary to section 1.

THE HISTORY OF THE UNITED STATES

OF AMERICA

FROM THE FIRST DISCOVERY OF THE CONTINENT TO THE PRESENT TIME

BY

JOHN ADAMS

OF THE MASSACHUSETTS

IN TWO VOLUMES

VOLUME I

THE FIRST DISCOVERY OF THE CONTINENT

TO THE PRESENT TIME

IN TWO VOLUMES

VOLUME I

THE FIRST DISCOVERY OF THE CONTINENT

TO THE PRESENT TIME

IN TWO VOLUMES

VOLUME I

THE FIRST DISCOVERY OF THE CONTINENT

TO THE PRESENT TIME

IN TWO VOLUMES

VOLUME I

THE FIRST DISCOVERY OF THE CONTINENT

That I am the.....
 ("father", "mother" or "guardian duly appointed")
 of the said.....;

That.....is under the age of eighteen years and was born
 (he or she)
 on the.....day of....., 19.....;

That I hereby give my consent to the said marriage.

I hereby certify that the information and particulars herein contained
 are true and correct.

.....
 (signature of parent or guardian)

8. This Act comes into force on the 1st day of July, 1965. Commence-
 ment

9. This Act may be cited as *The Marriage Amendment Act*, Short title
 1965.

An Act to amend The Marriage Act

1st Reading

February 12th, 1965

2nd Reading

3rd Reading

MR. YAREMKO

BILL 28

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Marriage Act

MR. YAREMKO

THE

THE

THE

BILL 28

1965

An Act to amend The Marriage Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 7 of *The Marriage Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 228, s. 7, amended

(4a) A consent required by this section shall be in Form 11 Form of consent or in such other form as the Provincial Secretary deems sufficient, and the person giving the consent shall certify that the information and particulars contained therein are true and correct.

2. Clause *b* of subsection 1 of section 13 of *The Marriage Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 228, s. 13, subs. 1, cl. b, re-enacted

(b) one of the parties shall make an affidavit (Form 4) and,

(i) produce to the issuer a birth certificate of the other party, or

(ii) deposit with the issuer an affidavit by the other party or by some member of his family having personal knowledge of the facts, stating the age, date and place of birth of such other party; provided that, where the affidavit is made by the other party to the intended marriage, it is sufficient to state his age, date and place of birth, according to the best of his knowledge, information and belief.

3. Item 8 of subsection 2 of section 36 of *The Marriage Act* is repealed. R.S.O. 1960, c. 228, s. 36, subs. 2, item 8, repealed

4. Subsections 1 and 2 of section 38 of *The Marriage Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 228, s. 38, subs. 1, 2, re-enacted

Licence
fee

(1) The fee for a licence is \$10, of which sum \$7 shall be remitted by the issuer to the Treasurer of Ontario.

Idem

(2) The issuer shall retain \$3 from the licence fee for his own use.

R.S.O. 1960,
c. 228, s. 50,
amended

5. Section 50 of *The Marriage Act* is amended by adding at the commencement thereof "Subject to section 50a", so that the section shall read as follows:

False
statements

50. Subject to section 50a, every person who knowingly makes any false statement in any document required under this Act, in addition to any other penalty or punishment to which he may be liable, is guilty of an offence and on summary conviction is liable to a fine of not less than \$200 and not more than \$500 or to imprisonment for a term of not more than one year, or to both.

R.S.O. 1960,
c. 228,
amended

6. *The Marriage Act* is amended by adding thereto the following section:

Idem

50a. Every person who knowingly makes a false statement in a certificate required by subsection 4a of section 7 is guilty of an offence and on summary conviction is liable to a fine of not more than \$500.

R.S.O. 1960,
c. 228,
amended

7. *The Marriage Act* is amended by adding thereto the following form:

FORM 11

(Section 7)

CONSENT OF PARENT OR GUARDIAN TO MARRIAGE

Province of Ontario

IN THE MATTER OF the proposed marriage

of of
(name in full) (address—giving street
and number)

To WIT:

and of
(name in full) (address—giving street
and number)

I,
(name in full)

of the of
(city, town, village or township)

in the of
(county or district)

in the of
(province)

....., HEREBY DECLARE:
(occupation)

That I am the.....
 ("father", "mother" or "guardian duly appointed")
 of the said.....;

That.....is under the age of eighteen years and was born

 (he or she)
 on the.....day of....., 19.....;

That I hereby give my consent to the said marriage.

I hereby certify that the information and particulars herein contained
 are true and correct.

.....
 (signature of parent or guardian)

8. This Act comes into force on the 1st day of July, 1965. ^{Commence-}
 ment

9. This Act may be cited as *The Marriage Amendment Act*, ^{Short title}
 1965.



An Act to amend The Marriage Act

1st Reading

February 12th, 1965

2nd Reading

February 19th, 1965

3rd Reading

April 14th, 1965

MR. YAREMKO

BILL 29

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Insurance Act

MR. SOPHA

EXPLANATORY NOTE

The amendments give a gratuitous passenger who is injured the right to recover directly from an insurer where the owner or driver has extended coverage for such injury.

BILL 29

1965

An Act to amend The Insurance Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 223 of *The Insurance Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 190, s. 223,
amended

- (1a) Any person suffering loss or damage resulting from bodily injury to himself or the death of any person while being carried in or upon or entering or getting on to or alighting from an automobile in respect of which there is an owner's or driver's policy with coverage extended under section 220 is, notwithstanding that such person is not a party to the contract, entitled to have the insurance money payable under the policy applied in or towards satisfaction of his loss or damage and may maintain an action against the insurer to have the insurance money so applied. Recovery
from
insurer by
gratuitous
passenger

(2) Subsection 6 of section 223 of *The Insurance Act* is amended by inserting after "219" in the fourth line "or section 220" and by adding at the end thereof "but, in the case of extended coverage under section 220, any defence to which the insured is entitled under subsection 2 of section 105 of *The Highway Traffic Act* shall not be available to the insurer", so that the subsection shall read as follows: R.S.O. 1960,
c. 190, s. 223,
subs. 6,
amended

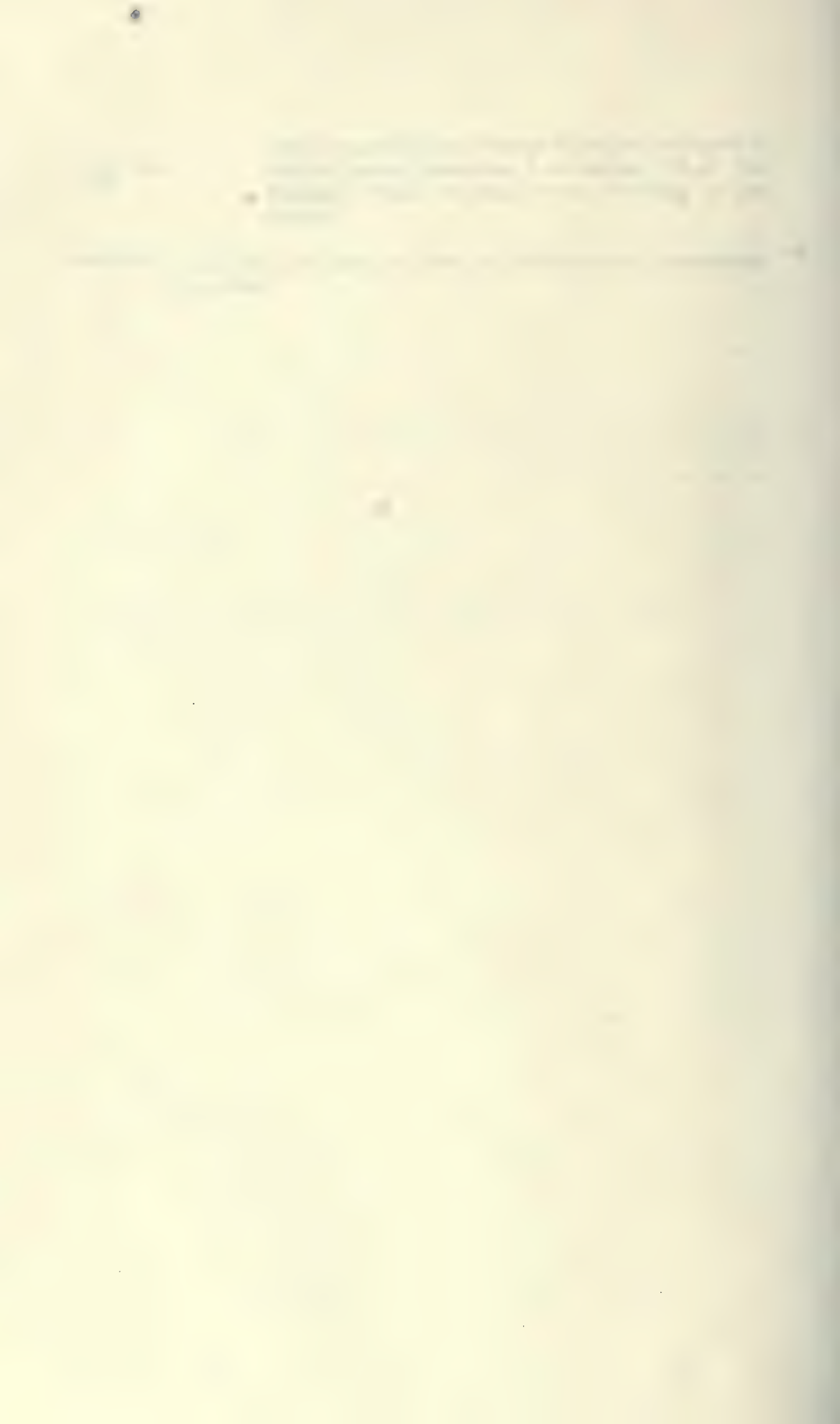
- (6) Subject to subsection 7, where a policy provides or, if more than one policy, the policies provide for coverage in excess of the limits mentioned in section 218 or for extended coverage in pursuance of subsections 1, 2 and 4 of section 219 or section 220, nothing in this section, with respect to such excess coverage or extended coverage, prevents any insurer from availing itself, as against a claimant, of any defence that the insurer is entitled to set up against the insured, but, in the case of extended coverage Defence
where
excess or
extended
coverage

R.S.O. 1960,
c. 172

under section 220, any defence to which the insured is entitled under subsection 2 of section 105 of *The Highway Traffic Act* shall not be available to the insurer.

Short title

2. This Act may be cited as *The Insurance Amendment Act, 1965*.



An Act to amend The Insurance Act

1st Reading

February 17th, 1965

2nd Reading

3rd Reading

MR. SOPHA

BILL 30

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Ontario Human Rights Code, 1961-62

MR. ROWNTREE

EXPLANATORY NOTES

SECTION 1. The words added are designed to broaden the scope of the section. It is desired to cover situations where, for example, one party to an inter-racial marriage is denied accommodation in a place to which the public is customarily admitted because of the race of the other party to the marriage.

SECTIONS 2 and 4. The scope is broadened to apply to commercial units and to apartment houses that have more than three units.

BILL 30

1965

**An Act to amend
The Ontario Human Rights Code, 1961-62**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Ontario Human Rights Code, 1961-62* ^{1961-62, c. 93, s. 2, amended} is amended by adding at the end thereof "or of any other person or class of persons", so that the section shall read as follows:

2. No person, directly or indirectly, alone or with another, by himself or by the interposition of another, shall, ^{Discrimination prohibited in places to which public admitted}

(a) deny to any person or class of persons the accommodation, services or facilities available in any place to which the public is customarily admitted; or

(b) discriminate against any person or class of persons with respect to the accommodation, services or facilities available in any place to which the public is customarily admitted,

because of the race, creed, colour, nationality, ancestry or place of origin of such person or class of persons or of any other person or class of persons.

2. Clauses *a* and *b* of section 3 of *The Ontario Human Rights Code, 1961-62* ^{1961-62, c. 93, s. 3, cls. a, b, re-enacted} are repealed and the following substituted therefor:

(a) deny to any person or class of persons occupancy of any commercial unit or any apartment in any building that contains more than three self-contained dwelling units; or

(b) discriminate against any person or class of persons with respect to any term or condition of occupancy

of any commercial unit or any apartment in any building that contains more than three self-contained dwelling units.

1961-62,
c. 93,
amended

3. *The Ontario Human Rights Code, 1961-62* is amended by adding thereto the following section:

Prohibitions
apply to
Crown
R.S.O. 1960,
c. 326

5a. Subject to section 1 of *The Public Officers Act*, the prohibitions contained in this Part apply to and bind the Crown in right of Ontario and every agency thereof.

1961-62,
c. 93, s. 18,
amended

4. Section 18 of *The Ontario Human Rights Code, 1961-62* is amended by relettering clause *a* as clause *aa* and by adding thereto the following clause:

(a) "commercial unit" means any building or other structure or part thereof that is used or occupied or is intended, arranged or designed to be used or occupied for the manufacture, sale, resale, processing, reprocessing, displaying, storing, handling, garaging or distribution of personal property, or any space that is used or occupied or is intended, arranged or designed to be used or occupied as a separate business or professional unit or office in any building or other structure or in a part thereof.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Ontario Human Rights Code Amendment Act, 1965*.

SECTION 3. This provision is new.



An Act to amend
The Ontario Human Rights Code, 1961-62

1st Reading

February 18th, 1965

2nd Reading

3rd Reading

MR. ROWNTREE

BILL 30

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Ontario Human Rights Code, 1961-62

MR. ROWNTREE

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*



BILL 30

1961-62, c. 93, s. 2, amended

An Act to amend The Ontario Human Rights Code, 1961-62

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Ontario Human Rights Code, 1961-62* is amended by adding at the end thereof "or of any other person or class of persons", so that the section shall read as follows:

- 2.** No person, directly or indirectly, alone or with another, by himself or by the interposition of another, shall, Discrimination prohibited in places to which public admitted
- (a) deny to any person or class of persons the accommodation, services or facilities available in any place to which the public is customarily admitted; or
 - (b) discriminate against any person or class of persons with respect to the accommodation, services or facilities available in any place to which the public is customarily admitted,

because of the race, creed, colour, nationality, ancestry or place of origin of such person or class of persons or of any other person or class of persons.

2. Clauses *a* and *b* of section 3 of *The Ontario Human Rights Code, 1961-62* are repealed and the following substituted therefor: 1961-62, c. 93, s. 3, cls. a, b, re-enacted

- (a) deny to any person or class of persons occupancy of any commercial unit or any apartment in any building that contains more than three self-contained dwelling units; or
- (b) discriminate against any person or class of persons with respect to any term or condition of occupancy

of any commercial unit or any apartment in any building that contains more than three self-contained dwelling units.

1961-62,
c. 93,
amended

3. *The Ontario Human Rights Code, 1961-62* is amended by adding thereto the following section:

Prohibitions
apply to
Crown
R.S.O. 1960,
c. 326

5a. Subject to section 1 of *The Public Officers Act*, the prohibitions contained in this Part apply to and bind the Crown in right of Ontario and every agency thereof.

1961-62,
c. 93, s. 18,
amended

4. Section 18 of *The Ontario Human Rights Code, 1961-62* is amended by relettering clause *a* as clause *aa* and by adding thereto the following clause:

(a) "commercial unit" means any building or other structure or part thereof that is used or occupied or is intended, arranged or designed to be used or occupied for the manufacture, sale, resale, processing, reprocessing, displaying, storing, handling, garaging or distribution of personal property, or any space that is used or occupied or is intended, arranged or designed to be used or occupied as a separate business or professional unit or office in any building or other structure or in a part thereof.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Ontario Human Rights Code Amendment Act, 1965*.

THE HISTORY OF THE
CITY OF BOSTON
FROM THE FIRST SETTLEMENT TO THE PRESENT TIME
BY
JOSEPH NEALE

THE HISTORY OF THE CITY OF BOSTON, FROM THE FIRST SETTLEMENT TO THE PRESENT TIME, BY JOSEPH NEALE. VOL. I. BOSTON: PUBLISHED BY J. NEALE, 1822.

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An Act to amend
The Ontario Human Rights Code, 1961-62

1st Reading

February 18th, 1965

2nd Reading

March 22nd, 1965

3rd Reading

April 14th, 1965

MR. ROWNTREE

BILL 31

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Workmen's Compensation Act

MR. ROWNTREE

SECTION 1—Subsections 1 and 2, and SECTION 5. The purpose of these amendments is to extend voluntary coverage of the Act to independent operators as defined.

EXPLANATORY NOTES

SECTION 1—Subsections 1 and 2, and SECTION 5. The purpose of these amendments is to extend voluntary coverage of the Act to independent operators as defined.

Subsection 3 and SECTION 3. These amendments raise the minimum amount of coverage under the Act from \$2,000 to \$2,500 in the case of (a) voluntary coverage of employers, and (b) compulsory coverage of volunteer firemen.

BILL 31

1965

An Act to amend The Workmen's Compensation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 1 of *The Workmen's Compensation Act*, as amended by subsection 1 of section 1 of *The Workmen's Compensation Amendment Act, 1962-63* and subsections 1, 2 and 3 of section 1 of *The Workmen's Compensation Amendment Act, 1964*, is further amended by adding thereto the following clause:

R.S.O. 1960,
c. 437, s. 1,
subs. 1,
amended

(ha) "independent operator" means a person who carries on an industry set out in Schedule 1 and who does not employ any workmen for that purpose.

(2) Clause *u* of subsection 1 of the said section 1 is amended by inserting after "brigade" in the sixth line "and includes an independent operator admitted by the Board under section 90a", so that the clause shall read as follows:

R.S.O. 1960,
c. 437, s. 1,
subs. 1,
cl. u,
amended

(u) "workman" includes a person who has entered into or works under a contract of service or apprenticeship, written or oral, express or implied, whether by way of manual labour or otherwise, and includes a learner and a member of a municipal volunteer fire brigade, and includes an independent operator admitted by the Board under section 90a, but when used in Part 1 does not include an outworker or an executive officer of a corporation.

(3) Subsection 3 of the said section 1, as amended by subsection 3 of section 1 of *The Workmen's Compensation Amendment Act, 1962-63* and subsection 4 of section 1 of *The Workmen's Compensation Amendment Act, 1964*, is further amended by striking out "\$2,000" in the eleventh line and inserting in lieu thereof "\$2,500", so that the subsection shall read as follows:

R.S.O. 1960,
c. 437, s. 1,
subs. 3,
amended

Volunteer
fire
brigades

- (3) For the purposes of this Act, a municipal corporation, commission or board mentioned in subsection 2 shall be deemed to be the employer of a member of a municipal volunteer fire brigade, and such employment shall be deemed to be included in the exercise and performance of the powers and duties of the corporation, commission or board, and it shall yearly, on or before such date as the Board may prescribe or at such other times as the Board may prescribe, notify the Board, specifying the number of volunteers engaged and shall select such amount of coverage for such volunteers, which in no case shall be less than \$2,500 or more than \$6,000 per annum.

R.S.O. 1960,
c. 437, s. 9,
amended

2. Section 9 of *The Workmen's Compensation Act* is amended by adding thereto the following subsection:

Exception

- (6a) Subsection 6 does not apply where the employer has supplied a motor vehicle, machinery or equipment on a purchase or rental basis without also supplying workmen to operate such motor vehicle, machinery or equipment.

R.S.O. 1960,
c. 437, s. 12,
amended

3. Section 12 of *The Workmen's Compensation Act*, as amended by section 3 of *The Workmen's Compensation Amendment Act, 1962-63*, is further amended by striking out "not exceeding the rate of" in the fifth line and inserting in lieu thereof "at a rate of not less than \$2,500 per annum or more than", so that the section shall read as follows:

Where
employer
carried
on pay
roll, he and
dependants
entitled to
compensa-
tion

12. Where compensation is payable out of the accident fund and an employer carries himself on his pay roll or an executive officer of a corporation is carried on the pay roll of the corporation at a salary or wage that the Board deems reasonable, but at a rate of not less than \$2,500 per annum or more than \$6,000 per annum, and it is stated in the pay roll statement furnished to the Board under section 92 that it is desired that such employer or executive officer be included as a workman, and the amount of his salary or wages is shown in such statement and included in the estimate for the year, such employer or executive officer shall be deemed to be a workman within the meaning of this Act and he is or his dependants are entitled to compensation accordingly, but, for the purpose of determining the compensation, his earnings shall not be taken to be more than the amount of his salary or wages as shown by such statement.

SECTION 2. This new provision is designed to clarify the status under the Act of employers whose motor vehicles and other equipment are being used under a rental agreement and are involved in an accident while operated by persons other than his employees.

SECTION 4. The effect of these amendments will be to increase the minimum compensation applicable to permanent disability pensions.

4.—(1) Section 43 of *The Workmen's Compensation Act*, ^{R.S.O. 1960, c. 437, s. 43} as re-enacted by section 6 of *The Workmen's Compensation Amendment Act, 1964*, ^{(1964, c. 124, s. 6),} is repealed and the following sub-^{re-enacted}stituted therefor:

43. Notwithstanding anything to the contrary in this ^{Minimum amount of compensation} Part, the amount of compensation to which an injured workman is entitled shall not be less than,

(a) for temporary total disability,

- (i) where his average earnings are not less than \$30 a week, \$30 a week, and
- (ii) where his average earnings are less than \$30 a week, the amount of such earnings,

and, for temporary partial disability, a corresponding amount in proportion to the impairment of earning capacity; and

(b) for permanent total disability,

- (i) where his average earnings are not less than \$150 a month, \$150, and
- (ii) where his average earnings are less than \$150 a month, the amount of such earnings, provided that in no case shall such earnings be taken to be less than \$100 a month,

and, for permanent partial disability, a corresponding amount in proportion to the impairment of earning capacity.

(2) Section 43 of *The Workmen's Compensation Act*, as ^{Application of s. 43} re-enacted by subsection 1, applies to all pension payments accruing on or after the 1st day of July, 1965, whether the accident happened before or after that date and whether the award of compensation was made before or after that date, but nothing in that section entitles any person to claim additional compensation for any period prior to the 1st day of July, 1965.

5. *The Workmen's Compensation Act* is amended by adding ^{R.S.O. 1960, c. 437, amended} thereto the following section:

90a.—(1) Any independent operator not being an employer or a workman but performing work of a nature that, if he were a workman, would be within this ^{Independent operators}

Part may be admitted by the Board as being entitled for himself and his dependants to the same compensation as if he were a workman within the scope of this Part.

Applications

- (2) An application under this section shall be made in such form and under such conditions as may be prescribed by the regulations.

R.S.O. 1960,
c. 437, s. 114,
amended

6. Section 114 of *The Workmen's Compensation Act*, as amended by section 11 of *The Workmen's Compensation Amendment Act, 1962-63*, is further amended by adding thereto the following subsection:

Notice of
lien

- (4) The lien mentioned in subsection 3 is effective only where notice of the lien has been filed by way of writ of *fiери facias* in the office of the sheriff of the county or district in which the property against which the lien applies is situated.

R.S.O. 1960,
c. 437, s. 122,
amended

7. Section 122 of *The Workmen's Compensation Act*, as amended by section 12 of *The Workmen's Compensation Amendment Act, 1962-63*, is further amended by striking out "\$15" in the seventh line and inserting in lieu thereof "\$30", so that the section shall read as follows:

Assistance
to peace
officers
1953-54,
c. 51 (Can.)

122. For the purposes of this Act, every person who under clause *b* of section 110 of the *Criminal Code* (Canada) is required to assist in arresting any person or in preserving the peace shall be deemed to be an employee of the Crown in right of Ontario and his average earnings shall be deemed to be the same in amount as his average earnings at his regular employment but in any case not less than \$30 per week and not more than \$6,000 per annum.

R.S.O. 1960,
c. 437, s. 126,
re-enacted

8. Section 126 of *The Workmen's Compensation Act* is repealed and the following substituted therefor:

Domestic
servants,
etc.

126. This Act does not apply to domestic or menial servants or their employers.

Certain
permanent
disability
pensions
to be re-
calculated

9. All periodical payments of compensation for permanent disability awarded to workmen for accidents that happened prior to the 1st day of January, 1950, and that accrue after the 1st day of July, 1965, shall be recalculated on the basis of 75 per cent of the workman's average earnings at the time of the accident, and all payments accruing after the 1st day of

SECTION 6. This new provision requires the Board to file notice of a lien before it becomes effective.

SECTION 7. This amendment brings the minimum amount under the section into line with the general scheme of the Act.

SECTION 8. This amendment removes the prohibition against farm coverage.

SECTION 9. The purpose of this section is to effect a recalculation of all permanent disability pensions awarded prior to January 1, 1950, on the basis of 75 per cent of earnings instead of $66 \frac{2}{3}$ per cent or 55 per cent, as the case may be.

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July, 1965, shall be increased accordingly, but nothing in this section entitles any workman to claim additional compensation for any period prior to the 1st day of July, 1965.

10. This Act comes into force on the 1st day of July, 1965. ^{Commence-}
^{ment}

11. This Act may be cited as *The Workmen's Compensation* ^{Short title}
Amendment Act, 1965.

An Act to amend
The Workmen's Compensation Act

1st Reading

February 18th, 1965

2nd Reading

3rd Reading

MR. ROWNTREE

BILL 31

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Workmen's Compensation Act

MR. ROWNTREE

(Reprinted as amended by the Committee on Labour, Legal and Municipal Bills)

EXPLANATORY NOTES

SECTION 1—Subsections 1 and 2, and SECTION 5. The purpose of these amendments is to extend voluntary coverage of the Act to independent operators as defined.

Subsection 3 and SECTION 3. These amendments raise the minimum amount of coverage under the Act from \$2,000 to \$2,500 in the case of (a) voluntary coverage of employers, and (b) compulsory coverage of volunteer firemen.

BILL 31

1965

An Act to amend The Workmen's Compensation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 1 of *The Workmen's Compensation Act*, as amended by subsection 1 of section 1 of *The Workmen's Compensation Amendment Act, 1962-63* and subsections 1, 2 and 3 of section 1 of *The Workmen's Compensation Amendment Act, 1964*, is further amended by adding thereto the following clause:

R.S.O. 1960,
c. 437, s. 1,
subs. 1,
amended

(ha) "independent operator" means a person who carries on an industry set out in Schedule 1 and who does not employ any workmen for that purpose.

(2) Clause *u* of subsection 1 of the said section 1 is amended by inserting after "brigade" in the sixth line "and includes an independent operator admitted by the Board under section 90a", so that the clause shall read as follows:

R.S.O. 1960,
c. 437, s. 1,
subs. 1,
cl. u,
amended

(u) "workman" includes a person who has entered into or works under a contract of service or apprenticeship, written or oral, express or implied, whether by way of manual labour or otherwise, and includes a learner and a member of a municipal volunteer fire brigade, and includes an independent operator admitted by the Board under section 90a, but when used in Part 1 does not include an outworker or an executive officer of a corporation.

(3) Subsection 3 of the said section 1, as amended by subsection 3 of section 1 of *The Workmen's Compensation Amendment Act, 1962-63* and subsection 4 of section 1 of *The Workmen's Compensation Amendment Act, 1964*, is further amended by striking out "\$2,000" in the eleventh line and inserting in lieu thereof "\$2,500", so that the subsection shall read as follows:

R.S.O. 1960,
c. 437, s. 1,
subs. 3,
amended

Volunteer
fire
brigades

- (3) For the purposes of this Act, a municipal corporation, commission or board mentioned in subsection 2 shall be deemed to be the employer of a member of a municipal volunteer fire brigade, and such employment shall be deemed to be included in the exercise and performance of the powers and duties of the corporation, commission or board, and it shall yearly, on or before such date as the Board may prescribe or at such other times as the Board may prescribe, notify the Board, specifying the number of volunteers engaged and shall select such amount of coverage for such volunteers, which in no case shall be less than \$2,500 or more than \$6,000 per annum.

R.S.O. 1960,
c. 437, s. 9,
amended

2. Section 9 of *The Workmen's Compensation Act* is amended by adding thereto the following subsection:

Exception

- (6a) Subsection 6 does not apply where the employer has supplied a motor vehicle, machinery or equipment on a purchase or rental basis without also supplying workmen to operate such motor vehicle, machinery or equipment.

R.S.O. 1960,
c. 437, s. 12,
amended

3. Section 12 of *The Workmen's Compensation Act*, as amended by section 3 of *The Workmen's Compensation Amendment Act, 1962-63*, is further amended by striking out "not exceeding the rate of" in the fifth line and inserting in lieu thereof "at a rate of not less than \$2,500 per annum or more than", so that the section shall read as follows:

Where
employer
carried
on pay
roll, he and
dependants
entitled to
compensa-
tion

12. Where compensation is payable out of the accident fund and an employer carries himself on his pay roll or an executive officer of a corporation is carried on the pay roll of the corporation at a salary or wage that the Board deems reasonable, but at a rate of not less than \$2,500 per annum or more than \$6,000 per annum, and it is stated in the pay roll statement furnished to the Board under section 92 that it is desired that such employer or executive officer be included as a workman, and the amount of his salary or wages is shown in such statement and included in the estimate for the year, such employer or executive officer shall be deemed to be a workman within the meaning of this Act and he is or his dependants are entitled to compensation accordingly, but, for the purpose of determining the compensation, his earnings shall not be taken to be more than the amount of his salary or wages as shown by such statement.

SECTION 2. This new provision is designed to clarify the status under the Act of employers whose motor vehicles and other equipment are being used under a rental agreement and are involved in an accident while operated by persons other than his employees.

SECTION 4. The effect of these amendments will be to increase the minimum compensation applicable to permanent disability pensions.

4.—(1) Section 43 of *The Workmen's Compensation Act*, R.S.O. 1960, c. 437, s. 43, as re-enacted by section 6 of *The Workmen's Compensation Amendment Act, 1964*, (1964, c. 124, s. 6), is repealed and the following substituted therefor: —

43. Notwithstanding anything to the contrary in this Part, the amount of compensation to which an injured workman is entitled shall not be less than, Minimum amount of compensation

(a) for temporary total disability,

- (i) where his average earnings are not less than \$30 a week, \$30 a week, and
- (ii) where his average earnings are less than \$30 a week, the amount of such earnings,

and, for temporary partial disability, a corresponding amount in proportion to the impairment of earning capacity; and

(b) for permanent total disability,

- (i) where his average earnings are not less than \$150 a month, \$150, and
- (ii) where his average earnings are less than \$150 a month, the amount of such earnings, provided that in no case shall such earnings be taken to be less than \$100 a month,

and, for permanent partial disability, a corresponding amount in proportion to the impairment of earning capacity.

(2) Section 43 of *The Workmen's Compensation Act*, as Application of s. 43 re-enacted by subsection 1, applies to all pension payments accruing on or after the 1st day of July, 1965, whether the accident happened before or after that date and whether the award of compensation was made before or after that date, but nothing in that section entitles any person to claim additional compensation for any period prior to the 1st day of July, 1965.

5. *The Workmen's Compensation Act* is amended by adding thereto the following section: R.S.O. 1960, c. 437, amended

90a.—(1) Any independent operator not being an employer or a workman but performing work of a nature that, if he were a workman, would be within this Independent operators

Part may be admitted by the Board as being entitled for himself and his dependants to the same compensation as if he were a workman within the scope of this Part.

Applications

- (2) An application under this section shall be made in such form and under such conditions as may be prescribed by the regulations.

R.S.O. 1960,
c. 437, s. 114,
amended

6. Section 114 of *The Workmen's Compensation Act*, as amended by section 11 of *The Workmen's Compensation Amendment Act, 1962-63*, is further amended by adding thereto the following subsection:

Notice of
lien

- (4) The lien mentioned in subsection 3 is effective only where notice of the lien has been filed by way of writ of *fieri facias* in the office of the sheriff of the county or district in which the property against which the lien applies is situated and, where land affected is registered under *The Land Titles Act*, a copy of such writ has been transmitted by registered mail or delivered by the sheriff to the proper master of titles.

R.S.O. 1960,
c. 204

R.S.O. 1960,
c. 437, s. 122,
amended

7. Section 122 of *The Workmen's Compensation Act*, as amended by section 12 of *The Workmen's Compensation Amendment Act, 1962-63*, is further amended by striking out "\$15" in the seventh line and inserting in lieu thereof "\$30", so that the section shall read as follows:

Assistance
to peace
officers
1953-54,
c. 51 (Can.)

122. For the purposes of this Act, every person who under clause *b* of section 110 of the *Criminal Code* (Canada) is required to assist in arresting any person or in preserving the peace shall be deemed to be an employee of the Crown in right of Ontario and his average earnings shall be deemed to be the same in amount as his average earnings at his regular employment but in any case not less than \$30 per week and not more than \$6,000 per annum.

R.S.O. 1960,
c. 437, s. 126,
re-enacted

8. Section 126 of *The Workmen's Compensation Act* is repealed and the following substituted therefor:

Domestic
servants,
etc.

126. This Act does not apply to domestic or menial servants or their employers.

Certain
permanent
disability
pensions
to be re-
calculated

9. All periodical payments of compensation for permanent disability awarded to workmen for accidents that happened prior to the 1st day of January, 1950, and that accrue after the 1st day of July, 1965, shall be recalculated on the basis of 75 per cent of the workman's average earnings at the time of the accident, and all payments accruing after the 1st day of

SECTION 6. This new provision requires the Board to file notice of a lien before it becomes effective.

SECTION 7. This amendment brings the minimum amount under the section into line with the general scheme of the Act.

SECTION 8. This amendment removes the prohibition against farm coverage.

SECTION 9. The purpose of this section is to effect a recalculation of all permanent disability pensions awarded prior to January 1, 1950, on the basis of 75 per cent of earnings instead of $66 \frac{2}{3}$ per cent or 55 per cent, as the case may be.

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July, 1965, shall be increased accordingly, but nothing in this section entitles any workman to claim additional compensation for any period prior to the 1st day of July, 1965.

10. This Act comes into force on the 1st day of July, 1965. Commence-
ment

11. This Act may be cited as *The Workmen's Compensation* Short title
Amendment Act, 1965.

An Act to amend
The Workmen's Compensation Act

1st Reading

February 18th, 1965

2nd Reading

March 2nd, 1965

3rd Reading

MR. ROWNTREE

*(Reprinted as amended by the Committee on
Labour, Legal and Municipal Bills)*

BILL 31

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Workmen's Compensation Act

MR. ROWNTREE



An Act to amend The Workmen's Compensation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 1 of *The Workmen's Compensation Act*, as amended by subsection 1 of section 1 of *The Workmen's Compensation Amendment Act, 1962-63* and subsections 1, 2 and 3 of section 1 of *The Workmen's Compensation Amendment Act, 1964*, is further amended by adding thereto the following clause:

R.S.O. 1960,
c. 437, s. 1,
subs. 1,
amended

(ha) "independent operator" means a person who carries on an industry set out in Schedule 1 and who does not employ any workmen for that purpose.

(2) Clause *u* of subsection 1 of the said section 1 is amended by inserting after "brigade" in the sixth line "and includes an independent operator admitted by the Board under section 90a", so that the clause shall read as follows:

R.S.O. 1960,
c. 437, s. 1,
subs. 1,
cl. u,
amended

(u) "workman" includes a person who has entered into or works under a contract of service or apprenticeship, written or oral, express or implied, whether by way of manual labour or otherwise, and includes a learner and a member of a municipal volunteer fire brigade, and includes an independent operator admitted by the Board under section 90a, but when used in Part 1 does not include an outworker or an executive officer of a corporation.

(3) Subsection 3 of the said section 1, as amended by subsection 3 of section 1 of *The Workmen's Compensation Amendment Act, 1962-63* and subsection 4 of section 1 of *The Workmen's Compensation Amendment Act, 1964*, is further amended by striking out "\$2,000" in the eleventh line and inserting in lieu thereof "\$2,500", so that the subsection shall read as follows:

R.S.O. 1960,
c. 437, s. 1,
subs. 3,
amended

Volunteer
fire
brigades

- (3) For the purposes of this Act, a municipal corporation, commission or board mentioned in subsection 2 shall be deemed to be the employer of a member of a municipal volunteer fire brigade, and such employment shall be deemed to be included in the exercise and performance of the powers and duties of the corporation, commission or board, and it shall yearly, on or before such date as the Board may prescribe or at such other times as the Board may prescribe, notify the Board, specifying the number of volunteers engaged and shall select such amount of coverage for such volunteers, which in no case shall be less than \$2,500 or more than \$6,000 per annum.

R.S.O. 1960,
c. 437, s. 9,
amended

- 2.** Section 9 of *The Workmen's Compensation Act* is amended by adding thereto the following subsection:

Exception

- (6a) Subsection 6 does not apply where the employer has supplied a motor vehicle, machinery or equipment on a purchase or rental basis without also supplying workmen to operate such motor vehicle, machinery or equipment.

R.S.O. 1960,
c. 437, s. 12,
amended

- 3.** Section 12 of *The Workmen's Compensation Act*, as amended by section 3 of *The Workmen's Compensation Amendment Act, 1962-63*, is further amended by striking out "not exceeding the rate of" in the fifth line and inserting in lieu thereof "at a rate of not less than \$2,500 per annum or more than", so that the section shall read as follows:

Where
employer
carried
on pay
roll, he and
dependants
entitled to
compensa-
tion

12. Where compensation is payable out of the accident fund and an employer carries himself on his pay roll or an executive officer of a corporation is carried on the pay roll of the corporation at a salary or wage that the Board deems reasonable, but at a rate of not less than \$2,500 per annum or more than \$6,000 per annum, and it is stated in the pay roll statement furnished to the Board under section 92 that it is desired that such employer or executive officer be included as a workman, and the amount of his salary or wages is shown in such statement and included in the estimate for the year, such employer or executive officer shall be deemed to be a workman within the meaning of this Act and he is or his dependants are entitled to compensation accordingly, but, for the purpose of determining the compensation, his earnings shall not be taken to be more than the amount of his salary or wages as shown by such statement.

4.—(1) Section 43 of *The Workmen's Compensation Act*,<sup>R.S.O. 1960,
c. 437, s. 43</sup> as re-enacted by section 6 of *The Workmen's Compensation Amendment Act, 1964*, is repealed and the following sub-<sup>(1964, c. 124,
s. 6),</sup>re-enacted stituted therefor:

43. Notwithstanding anything to the contrary in this Part, the amount of compensation to which an injured workman is entitled shall not be less than, <sup>Minimum
amount of
compensa-
tion</sup>

(a) for temporary total disability,

(i) where his average earnings are not less than \$30 a week, \$30 a week, and

(ii) where his average earnings are less than \$30 a week, the amount of such earnings,

and, for temporary partial disability, a corresponding amount in proportion to the impairment of earning capacity; and

(b) for permanent total disability,

(i) where his average earnings are not less than \$150 a month, \$150, and

(ii) where his average earnings are less than \$150 a month, the amount of such earnings, provided that in no case shall such earnings be taken to be less than \$100 a month,

and, for permanent partial disability, a corresponding amount in proportion to the impairment of earning capacity.

(2) Section 43 of *The Workmen's Compensation Act*, as<sup>Application
of s. 43</sup> re-enacted by subsection 1, applies to all pension payments accruing on or after the 1st day of July, 1965, whether the accident happened before or after that date and whether the award of compensation was made before or after that date, but nothing in that section entitles any person to claim additional compensation for any period prior to the 1st day of July, 1965.

5. *The Workmen's Compensation Act* is amended by adding thereto the following section:<sup>R.S.O. 1960,
c. 437,
amended</sup>

90a.—(1) Any independent operator not being an employer or a workman but performing work of a nature that, if he were a workman, would be within this <sup>Independent
operators</sup>

Part may be admitted by the Board as being entitled for himself and his dependants to the same compensation as if he were a workman within the scope of this Part.

Applications

- (2) An application under this section shall be made in such form and under such conditions as may be prescribed by the regulations.

R.S.O. 1960,
c. 437, s. 114,
amended

6. Section 114 of *The Workmen's Compensation Act*, as amended by section 11 of *The Workmen's Compensation Amendment Act, 1962-63*, is further amended by adding thereto the following subsection:

**Notice of
lien**

- (4) The lien mentioned in subsection 3 is effective only where notice of the lien has been filed by way of writ of *fieri facias* in the office of the sheriff of the county or district in which the property against which the lien applies is situated and, where land affected is registered under *The Land Titles Act*, a copy of such writ has been transmitted by registered mail or delivered by the sheriff to the proper master of titles.

R.S.O. 1960,
c. 204

R.S.O. 1960,
c. 437, s. 122,
amended

7. Section 122 of *The Workmen's Compensation Act*, as amended by section 12 of *The Workmen's Compensation Amendment Act, 1962-63*, is further amended by striking out "\$15" in the seventh line and inserting in lieu thereof "\$30", so that the section shall read as follows:

Assistance
to peace
officers
1953-54,
c. 51 (Can.)

122. For the purposes of this Act, every person who under clause *b* of section 110 of the *Criminal Code* (Canada) is required to assist in arresting any person or in preserving the peace shall be deemed to be an employee of the Crown in right of Ontario and his average earnings shall be deemed to be the same in amount as his average earnings at his regular employment but in any case not less than \$30 per week and not more than \$6,000 per annum.

R.S.O. 1960,
c. 437, s. 126,
re-enacted

8. Section 126 of *The Workmen's Compensation Act* is repealed and the following substituted therefor:

Domestic
servants,
etc.

126. This Act does not apply to domestic or menial servants or their employers.

Certain
permanent
disability
pensions
to be re-
calculated

9. All periodical payments of compensation for permanent disability awarded to workmen for accidents that happened prior to the 1st day of January, 1950, and that accrue after the 1st day of July, 1965, shall be recalculated on the basis of 75 per cent of the workman's average earnings at the time of the accident, and all payments accruing after the 1st day of

July, 1965, shall be increased accordingly, but nothing in this section entitles any workman to claim additional compensation for any period prior to the 1st day of July, 1965.

10. This Act comes into force on the 1st day of July, 1965. Commence-
ment

11. This Act may be cited as *The Workmen's Compensation Amendment Act, 1965*. Short title

An Act to amend
The Workmen's Compensation Act

1st Reading

February 18th, 1965

2nd Reading

March 2nd, 1965

3rd Reading

April 2nd, 1965

MR. ROWNTREE

BILL 32

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

**An Act to provide for the Appointment of a Commissioner
to investigate Administrative Decisions and Acts of
Officials of the Government of Ontario and its
Agencies, and to define the Commissioner's
Powers and Duties**

MR. SINGER

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1871

An Act to provide for the Appointment of a Commissioner to investigate Administrative Decisions and Acts of Officials of the Government of Ontario and its Agencies, and to define the Commissioner's Powers and Duties

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "agency" means an agency of the Government of Ontario;
- (b) "Commissioner" means the Commissioner of the Legislature appointed under this Act;
- (c) "department" means a department of the Government of Ontario;
- (d) "minister" means a member of the Executive Council.

2. There shall be appointed by the Lieutenant Governor in Council on the recommendation of the Assembly as an officer of the Legislature a commissioner, to be called the Commissioner of the Legislature, who shall exercise the powers and perform the duties specified in this Act.

Appoint-
ment

3. The Commissioner shall not be a member of the Assembly and shall not hold any office of trust or profit, other than his office as Commissioner, or engage in any occupation for reward outside the duties of his office.

To hold
no other
office

4.—(1) The recommendation for the appointment of the Commissioner shall be made in the first session of every Legislature.

Term of
office

Reappointment

(2) Unless his office sooner becomes vacant, every person appointed as Commissioner shall hold office until his successor is appointed, and every such person may from time to time be reappointed.

Resignation

(3) The Commissioner may at any time resign his office by a writing addressed to the Speaker of the Assembly or, if there is no Speaker or if the Speaker is absent from Ontario, to the Clerk of the Assembly.

Removal from office

5.—(1) The Commissioner may at any time be removed or suspended from his office by the Lieutenant Governor in Council on the recommendation of the Assembly for disability, neglect of duty, misconduct or upon a bankruptcy.

Suspension when Legislature not in session

(2) At any time when the Legislature is not in session, the Commissioner may be suspended from his office by the Lieutenant Governor in Council for disability, neglect of duty, misconduct or bankruptcy proved to the satisfaction of the Lieutenant Governor in Council, but any such suspension shall not continue in force beyond the end of the next ensuing session of the Legislature.

Filling of vacancy

6.—(1) If the Commissioner dies, retires, resigns or is removed from office, the vacancy thereby created shall be filled in accordance with this section.

When Legislature in session

(2) If a vacancy in the office of Commissioner occurs at any time while the Legislature is in session, it shall be filled by the appointment of a Commissioner by the Lieutenant Governor in Council on the recommendation of the Assembly, but, if the vacancy occurs less than one month before the end of that session and no such recommendation is made in that session, subsection 3 applies as if the vacancy had occurred while the Legislature was not in session.

When Legislature not in session

(3) If such a vacancy occurs at any time while the Legislature is not in session, the Lieutenant Governor in Council may appoint a Commissioner to fill the vacancy, and the person so appointed shall, unless his office sooner becomes vacant, hold office until his appointment is confirmed by the Assembly and, if the appointment is not so confirmed within two months after the commencement of the next ensuing session, the appointment lapses, and there shall be deemed to be another vacancy in the office of Commissioner.

Oath of office

7.—(1) Before entering upon his duties, the Commissioner shall take an oath that he will faithfully and impartially perform the duties of his office and that he will not, except in accordance with subsection 3 of section 16, divulge any information received by him under this Act.

(2) The oath shall be administered by the Speaker of the ^{Idem} Assembly or by the Clerk of the Assembly.

8.—(1) Subject to subsection 2, the Commissioner may ^{Staff} appoint such officers and employees as may be necessary for the efficient carrying out of his functions under this Act.

(2) The number of persons that may be appointed under ^{Idem} this section, whether generally or in respect of any specified duties or class of duties, shall from time to time be determined by the Lieutenant Governor in Council.

9.—(1) The principal function of the Commissioner is to ^{Functions} investigate any decision or recommendation made, including any recommendation made to a minister, or any act done or omitted, relating to a matter of administration and affecting any person or body of persons in his or its personal capacity, in or by any department or agency, or by any officer, employee or member thereof in the exercise of any power or function conferred on him by any Act.

(2) The Commissioner may make any such investigation ^{Initiation of investigation} either on a complaint made to him by any person or of his own motion, and he may commence any such investigation notwithstanding that the complaint may not on its face be against any such decision, recommendation, act or omission as aforesaid.

(3) Without limiting subsection 1, any committee of the ^{Referrals by committees} Assembly may at any time refer to the Commissioner, for investigation and report by him, any petition that is before that committee for consideration or any matter to which the petition relates, and, in any such case, the Commissioner shall, subject to any special directions of the committee, investigate the matters so referred to him so far as they are within his jurisdiction and make such report to the committee as he thinks fit, but nothing in section 12, 17 or 18 applies in respect of any investigation or report made under this subsection.

(4) The powers and duties conferred on the Commissioner ^{Powers and duties paramount} by this Act may be exercised and performed notwithstanding any provision in any Act to the effect that any decision, recommendation, act or omission mentioned in subsection 1 is final, or that no appeal lies in respect thereof, or that no proceeding or decision of the person or organization whose decision, recommendation, act or omission it is shall be challenged, reviewed, quashed or called in question.

(5) Nothing in this Act authorizes the Commissioner to ^{Areas outside jurisdiction} investigate,

- (a) any decision, recommendation, act or omission in respect of which there is under any Act a right of appeal or objection or a right to apply for a review on the merits of the case to any court or to any tribunal constituted by or under any Act, whether or not that right of appeal or objection or application has been exercised in the particular case and whether or not any time prescribed for the exercise of that right has expired; or
- (b) any decision, recommendation, act or omission of any person acting as a solicitor for the Crown or acting as counsel for the Crown in relation to any proceedings.

Determina-
tion of
jurisdiction

(6) If any question arises as to whether the Commissioner has jurisdiction to investigate any case or class of cases under this Act, he may, if he thinks fit, apply to the Supreme Court for a declaratory order determining the question.

Guide
rules

10.—(1) The Assembly may from time to time, if it thinks fit, make general rules for the guidance of the Commissioner in the exercise of his functions, and may at any time in like manner revoke or vary any such rules.

Publication
of reports

(2) Any such rules may authorize the Commissioner from time to time, in the public interest or in the interests of any person or department or agency, to publish reports relating generally to the exercise of his functions under this Act or to any particular case or cases investigated by him, whether or not the matters to be dealt with in any such report have been the subject of a report to the Assembly under this Act.

Publication
of rules

(3) All such rules shall be printed and published.

Mode of
complaint

11.—(1) Every complaint to the Commissioner shall be made in writing.

Letters
to be
forwarded

(2) Notwithstanding any Act, where a letter written by any person in custody on a charge or after conviction of any offence, or by any inmate of any private sanitarium within the meaning of *The Private Sanitaria Act* or mental hospital within the meaning of *The Mental Hospitals Act*, is addressed to the Commissioner, it shall be immediately forwarded, unopened, to the Commissioner by the person for the time being in charge of the place or institution where the writer of the letter is detained or of which he is an inmate.

R.S.O. 1960,
cc. 307, 236

Commis-
sioner may
refuse to
investigate
complaint

12.—(1) If in the course of the investigation of any complaint it appears to the Commissioner,

- (a) that under the law or existing administrative practice there is an adequate remedy, other than the right to petition the Legislature, for the complainant, whether or not he has availed himself of it; or
- (b) that, having regard to all the circumstances of the case, any further investigation is unnecessary,

he may in his discretion refuse to investigate the matter further.

(2) Without limiting the generality of the powers conferred on the Commissioner by this Act, the Commissioner may in his discretion decide not to investigate, or, as the case may require, not to further investigate, any complaint if it relates to any decision, recommendation, act or omission of which the complainant has had knowledge for more than twelve months before the complaint is received by the Commissioner, or if in his opinion,

- (a) the subject-matter of the complaint is trivial;
- (b) the complaint is frivolous or vexatious or is not made in good faith; or
- (c) the complainant has not a sufficient personal interest in the subject-matter of the complaint.

(3) In any case where the Commissioner decides not to investigate or further investigate a complaint, he shall inform the complainant of his decision, and he may, if he thinks fit, state his reasons therefor.

13.—(1) Before investigating any matter under this Act, the Commissioner shall inform the deputy minister of the department affected, or, as the case may require, the administrative head of the agency affected, of his intention to make the investigation.

(2) Every investigation by the Commissioner under this Act shall be conducted in private.

(3) The Commissioner may hear or obtain information from such persons as he thinks fit, and he may make such inquiries as he thinks fit.

(4) It is not necessary for the Commissioner to hold any hearing and no person is entitled as of right to be heard by the Commissioner, but, if at any time during the course of an investigation it appears to the Commissioner that there

may be sufficient grounds for his making a report or recommendation that may adversely affect any department, agency or person, he shall give to that department, agency or person an opportunity to be heard, and at any such hearing the department, agency or person is entitled to counsel.

Consultations

(5) The Commissioner may in his discretion, at any time during or after any investigation, consult any minister who is concerned in the matter of the investigation.

Idem

(6) On the request of any minister in relation to an investigation or in any case where an investigation relates to any recommendation made to a minister, the Commissioner shall consult that minister after making the investigation and before forming a final opinion on any of the matters referred to in subsection 1 or 2 of section 17.

Misconduct

(7) If, during or after any investigation, the Commissioner is of opinion that there is evidence of any breach of duty or misconduct on the part of any officer or employee of any department or agency, he shall refer the matter to the appropriate authority.

Regulation of procedure

(8) Subject to this Act and any rules made under section 10, the Commissioner may regulate his procedure in such manner as he thinks fit.

Evidence

14.—(1) Subject to this section and section 15, the Commissioner may from time to time require any person who in his opinion is able to give any information relating to any matter that is being investigated by him to furnish to him any such information and to produce any such document, paper or thing that in his opinion relates to any such matter and that may be in the possession or under the control of such person, whether or not such person is an officer, employee or member of a department or agency, and whether or not such document, paper or thing is in the custody or under the control of any such department or agency.

Power to take evidence on oath

(2) The Commissioner may summon before him and examine on oath,

- (a) any person who is an officer or employee or member of any department or agency and who in the Commissioner's opinion is able to give any information mentioned in subsection 1;
- (b) any complainant; or
- (c) with the prior approval of the Attorney General in each case, any other person who in the Commissioner's opinion is able to give such information,

and for that purpose may administer an oath.

(3) Subject to subsection 4, no person who is bound by any Act to maintain secrecy in relation to, or not to disclose, any matter shall be required to supply any information to or answer any question put by the Commissioner in relation to that matter, or to produce to the Commissioner any document, paper or thing relating to it, if compliance with that requirement would be in breach of the obligation of secrecy or non-disclosure. ^{Duty to maintain secrecy paramount}

(4) With the prior consent in writing of a complainant, any person to whom subsection 3 applies may be required by the Commissioner to supply information or answer any question or produce any document, paper or thing relating only to the complainant, and it is the duty of the person to comply with such requirement. ^{Idem}

(5) Every person has the same privileges in relation to the giving of information, the answering of questions and the production of documents, papers and things under this Act as witnesses have in any court. ^{Privilege}

(6) Except on the trial of a person for perjury, no statement made or answer given by that or any other person in the course of any inquiry by or any proceedings before the Commissioner is admissible in evidence against any person in any court or at any inquiry or in any other proceedings, and no evidence in respect of proceedings before the Commissioner shall be given against any person. ^{Evidence not admissible elsewhere}

(7) No person is liable to prosecution for an offence against any Act by reason of his compliance with any requirement of the Commissioner under this section. ^{No prosecution}

15.—(1) Where the Attorney General certifies that the giving of any information or the answering of any question or the production of any document, paper or thing might involve the disclosure of, ^{Disclosure of certain matters not to be required}

(a) the deliberations of the Executive Council; or

(b) proceedings of the Executive Council, or any committee thereof, relating to matters of a secret or confidential nature, and would be injurious to the public interest,

the Commissioner shall not require the information or answer to be given or, as the case may be, the document, paper or thing to be produced, but shall report the giving of such a certificate to the Legislature.

Rule as to
privileged
documents,
etc., does
not apply

(2) Subject to subsection 1, the rule of law that authorizes or requires the withholding of any document, paper or thing, or the refusal to answer any question, on the ground that the disclosure of the document, paper or thing or the answering of the question would be injurious to the public interest, does not apply in respect of any investigation by or proceedings before the Commissioner.

Secrecy

16.—(1) The Commissioner and every person holding any office or appointment under him shall maintain secrecy in respect of all matters that come to their knowledge in the exercise of their functions.

Oath

(2) Every person holding any office or appointment under the Commissioner shall, before he begins to perform his duties under this Act, take an oath, to be administered by the Commissioner, that he will not divulge any information received by him under this Act except for the purpose of giving effect to this Act.

Exception

(3) Notwithstanding subsection 1, the Commissioner may disclose in any report made by him under this Act such matters as in his opinion ought to be disclosed in order to establish grounds for his conclusions and recommendations.

Procedure
after
investigation

17.—(1) This section applies in every case where, after making any investigation under this Act, the Commissioner is of opinion that the decision, recommendation, act or omission that was the subject-matter of the investigation,

(a) appears to have been contrary to law;

(b) was unreasonable, unjust, oppressive, improperly discriminatory or was in accordance with a rule of law or a provision of any Act or a practice that is or may be unreasonable, unjust, oppressive or improperly discriminatory;

(c) was based wholly or partly on a mistake of law or fact; or

(d) was wrong.

Idem

(2) This section also applies in any case where the Commissioner is of opinion that in the making of the decision or recommendation, or in the doing or omission of the act, a discretionary power has been exercised for an improper purpose or on irrelevant grounds or on the taking into account of irrelevant considerations, or that, in the case of a decision made in the exercise of any discretionary power, reasons should have been given for the decision.

(3) If in any case to which this section applies the Commissioner is of opinion, Opinion, etc., to be reported to department

- (a) that the matter should be referred to the appropriate authority for further consideration;
- (b) that the omission should be rectified;
- (c) that the decision should be cancelled or varied;
- (d) that any practice on which the decision, recommendation, act or omission was based should be altered;
- (e) that any law on which the decision, recommendation, act or omission was based should be reconsidered;
- (f) that reasons should have been given for the decision; or
- (g) that any other steps should be taken,

the Commissioner shall report his opinion and his reasons therefor to the appropriate minister and to the department or agency concerned, and may make such recommendations as he thinks fit, and in any such case he may request the department or agency to notify him, within a specified time, of the steps, if any, that it proposes to take to give effect to his recommendations.

(4) If within a reasonable time after the report is made no action is taken which seems to the Commissioner to be adequate and appropriate, the Commissioner, in his discretion, after considering the comments, if any, made by or on behalf of the department or agency affected, may send a copy of the report and recommendations to the Lieutenant Governor in Council and may thereafter make such report to the Legislature on the matter as he thinks fit. Report to Cabinet and Assembly

(5) The Commissioner shall attach to every report sent or made under subsection 4 a copy of any comments made by or on behalf of the department or agency concerned. Idem

(6) Notwithstanding anything in this section, the Commissioner shall not, in any report made under this Act, make any comment that is adverse to any person unless the person has been given an opportunity to be heard. Comment adverse to person

18.—(1) Where on any investigation under this Act the Commissioner makes a recommendation under subsection 3 of section 17 and no action that seems to the Commissioner to Complainant to be informed of result of investigation

be adequate and appropriate is taken thereon within a reasonable time, the Commissioner shall inform the complainant of his recommendation and make such comments on the matter as he thinks fit.

Idem

(2) The Commissioner shall in any case inform the complainant, in such manner and at such time as he thinks proper, of the result of the investigation.

Privative clause

19. No proceedings of the Commissioner shall be held bad for want of form and, except on the ground of lack of jurisdiction, no proceedings or decision of the Commissioner shall be challenged, reviewed, quashed or called in question in any court.

Proceedings privileged

20.—(1) No proceedings lie against the Commissioner or against any person holding any office or appointment under the Commissioner for anything he may do or report or say in the course of the exercise or intended exercise of his functions under this Act, unless it is shown that he acted in bad faith.

Not compellable as witnesses

(2) Neither the Commissioner nor any person holding any office or appointment under the Commissioner shall be called upon to give evidence in any court or in any proceedings of a judicial nature in respect of anything coming to his knowledge in the exercise of his functions under this Act.

Privilege

(3) Anything said or any information supplied or any document, paper or thing produced by any person in the course of any inquiry by or proceedings before the Commissioner under this Act is privileged in the same manner as if the inquiry or proceedings were proceedings in a court.

Idem
R.S.O. 1960,
c. 211

(4) For the purposes of *The Libel and Slander Act*, any report made by the Commissioner under this Act shall be deemed to be privileged, and a fair and accurate report in a newspaper or a broadcast shall be deemed to be privileged.

Power to enter premises

21.—(1) For the purposes of this Act but subject to this section, the Commissioner may at any time enter upon any premises occupied by any department or agency and inspect the premises and, subject to sections 14 and 15, carry out therein any investigation that is within his jurisdiction.

Notice

(2) Before entering upon any such premises, the Commissioner shall notify the deputy minister of the department or, as the case may require, the administrative head of the agency that occupies the premises of his intention so to do.

22.—(1) With the prior approval of the Lieutenant Governor in Council, the Commissioner may from time to time, by writing under his hand, delegate to any person holding any office under him any of his powers under this Act, except this power of delegation and the power to make any report under this Act. Delegation of powers

(2) Any such delegation may be made to a specified person or to the holder for the time being of a specified office or to the holders of offices of a specified class. To whom powers may be delegated

(3) Every such delegation is revocable at will, and no such delegation prevents the exercise of any power by the Commissioner. Delegations revocable

(4) Any such delegation may be made subject to such restrictions and conditions as the Commissioner thinks fit, and may be made either generally or in relation to any particular case or class of cases. Scope of delegations

(5) Until any such delegation is revoked, it continues in force according to its tenor and, in the event of the Commissioner by whom it was made ceasing to hold office, continues to have effect as if made by his successor. Life of delegations

(6) Any person purporting to exercise any power of the Commissioner by virtue of such a delegation shall, when required to do so, produce evidence of his authority to exercise the power. Evidence of delegated powers

23. Without limiting his right to report at any other time, but subject to subsection 6 of section 17 and to any rules made under section 10, the Commissioner shall in each year make a report to the Legislature on the exercise of his functions under this Act. Annual report

24. Every person commits an offence against this Act and is liable on summary conviction to a fine of not more than \$500 who, Offences

- (a) without lawful justification or excuse, wilfully obstructs, hinders or resists the Commissioner or any other person in the exercise of his powers under this Act;
- (b) without lawful justification or excuse, refuses or wilfully fails to comply with any lawful requirement of the Commissioner or any other person under this Act; or

- (c) wilfully makes any false statement to or misleads or attempts to mislead the Commissioner or any other person in the exercise of his powers under this Act.

Provisions
are in
addition
to other
laws

25. The provisions of this Act are in addition to the provisions of any other Act or any rule of law under which any remedy or right of appeal or objection is provided for any person or any procedure is provided for the inquiry into or investigation of any matter, and nothing in this Act limits or affects any such remedy or right of appeal or objection or procedure.

Short title

26. This Act may be cited as *The Commissioner of the Legislature Act, 1965*.

An Act to provide for the Appointment of a Commissioner to investigate Administrative Decisions and Acts of Officials of the Government of Ontario and its Agencies, and to define the Commissioner's Powers and Duties

1st Reading

February 18th, 1965

2nd Reading

3rd Reading

MR. SINGER

BILL 33

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Municipal Act

MR. RENWICK

EXPLANATORY NOTE

The Bill removes the power of boards of commissioners of police to pass by-laws regulating parades and confers this power on councils of cities and towns.

BILL 33

1965

An Act to amend The Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 386 of *The Municipal Act* is amended by adding thereto the following paragraph: R.S.O. 1960,
c. 249, s. 386,
amended

7. For regulating parades or processions on highways and, from time to time and as occasion may require, prescribing the routes of travel to be observed by all vehicles, horses and persons upon the highways, and for preventing the obstruction of the highways during public processions or public demonstrations, and for giving directions to constables for keeping order and preventing any collision or obstruction of traffic at the intersections or other frequented portions of the highways, on all occasions when the highways are thronged or liable to obstruction. Regulating
traffic and
parades

- (a) This paragraph does not affect the right, if any, of a street railway company to regulate the routes of its cars, and no regulation or direction that may affect a street railway company shall be made or given until the company has been afforded an opportunity of being heard.

2. Paragraph 3 of section 403 of *The Municipal Act* is repealed. R.S.O. 1960,
c. 249, s. 403,
par. 3,
repealed

3. This Act may be cited as *The Municipal Amendment Act, 1965*. Short title

1st Reading

February 22nd, 1965

2nd Reading

3rd Reading

MR. RENWICK

BILL 34

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Municipality of Metropolitan Toronto Act

MR. RENWICK

The Bill removes the power of the Metropolitan Board of Commissioners of Police to pass by-laws regulating parades and confers this power on the Metropolitan Council.

BILL 34

1965

**An Act to amend
The Municipality of Metropolitan Toronto Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 196 of *The Municipality of Metropolitan Toronto Act* is repealed. R.S.O. 1960,
c. 260, s. 196,
subs. 2,
repealed

2. *The Municipality of Metropolitan Toronto Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 260,
amended

274. The Metropolitan Corporation shall be deemed to be a city for the purposes of paragraph 7 of section 386 of *The Municipal Act*. Regulating
traffic and
parades
R.S.O. 1960,
c. 249

3. This Act may be cited as *The Municipality of Metropolitan Toronto Amendment Act, 1965*. Short title

An Act to amend The Municipality
of Metropolitan Toronto Act

1st Reading

February 22nd, 1965

2nd Reading

3rd Reading

MR. RENWICK

BILL 35

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

The Operating Engineers Act, 1965

MR. ROWNTREE

EXPLANATORY NOTES

General: This is the first major revision of this Act since 1953.

This Bill implements the principal recommendations of the Special Committee on Revisions to *The Operating Engineers Act* and its Regulations appointed by the Minister of Labour.

Generally, the new Act brings the law governing boiler plants, compressor plants and refrigeration plants into line with modern technological practices.

Attention is drawn to the following:

1. The method of rating plants is changed from a horse-power basis to a Therm-hour basis.
2. The classes of plants that operating engineers and operators are qualified to operate are set out in the Act.
3. A board of review is established to advise the Minister respecting the operation and development of the Act.
4. The present functions of the Board of Examiners are divided between the Board and the chief officer. The latter will administer the Act and the regulations except with respect to certificates of qualification.

The Operating Engineers Act, 1965

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

1. "Board" means the Board of Examiners appointed for the purposes of this Act; R.S.O. 1960, c. 282, s. 1, par. 1.
2. "boiler" means a pressure vessel that may be used at greater than atmospheric pressure,
 - i. to generate or heat steam, or
 - ii. to heat water to a temperature less than its boiling point at the maximum pressure within the vessel,
 and includes any pipe, fitting and other equipment attached thereto or used in connection therewith;
New.
3. "brake horse-power" means the effective or useful horse-power developed by a prime mover as measured by a weigh scale and a brake applied to its driving shaft or by other means approved by the chief officer, and one brake horse-power is equivalent to 2,544 British thermal units per hour or to 0.02544 Therm-hours; R.S.O. 1960, c. 282, s. 1, par. 2, *amended*.
4. "certificate of qualification" means a subsisting certificate of qualification issued under this Act to an operating engineer or an operator; R.S.O. 1960, c. 282, s. 1, par. 3, *amended*.
5. "certificate of registration" means a subsisting certificate of registration issued under this Act for a plant; R.S.O. 1960, c. 282, s. 1, par. 4, *amended*.

6. "chief operating engineer" means an operating engineer who at all times has charge of and the responsibility for the safe operation of a plant, and has such other powers and duties respecting the plant and persons therein as are prescribed in this Act and the regulations; R.S.O. 1960, c. 282, s. 1, par. 5, *amended*.
7. "chief operator" means an operator or an operating engineer who at all times has charge of and the responsibility for the safe operation of a compressor plant or a refrigeration plant, and has such other powers and duties respecting the plant and persons therein as are prescribed in this Act and the regulations; R.S.O. 1960, c. 282, s. 1, par. 6, *amended*.
8. "compressor plant" means an installation comprised of one or more compressors with prime movers and the equipment used in connection therewith for compressing but not liquefying air or any other gas to a pressure of more than 15 where the total Therm-hour rating of all such prime movers is more than 1.908; R.S.O. 1960, c. 282, s. 1, par. 7, *amended*.
9. "hoisting plant" means a hoist equipped with,
 - i. a drum and a hoisting rope or chain, or
 - ii. a hydraulic pump,

that is driven by a prime mover or movers other than steam and that is used for raising, lowering or swinging material where the total Therm-hour rating of the prime mover or movers is,

 - iii. more than 1.137 for internal combustion engines, or
 - iv. 0.636 for other types of prime movers;

R.S.O. 1960, c. 282, s. 1, par. 9, *amended*.
10. "inspector" means an inspector appointed for the purposes of this Act; R.S.O. 1960, c. 282, s. 1, par. 12.
11. "low-pressure stationary plant" means an installation comprised of one or more boilers,
 - i. containing steam at a pressure of 15 or less, or

- ii. containing water at a temperature at any boiler outlet of more than 212°F. and up to and including 250°F.,

and in addition a low-pressure stationary plant may have one or more compressors and one or more refrigeration compressors, and the total Therm-hour rating of all such boilers and compressors is more than 50; R.S.O. 1960, c. 282, s. 1, par. 13, *amended*.

- 12. "Minister" means the Minister of Labour; R.S.O. 1960, c. 282, s. 1, par. 14.
- 13. "operating engineer" or "operator" means a person who is the holder of a certificate of qualification; R.S.O. 1960, c. 282, s. 1, par. 15, *amended*.
- 14. "plant" means a stationary power-plant, low-pressure stationary plant, steam-powered plant, compressor plant, refrigeration plant or any combination thereof, or a hoisting plant, steam hoisting plant, a portable compressor plant or a temporary heating plant; R.S.O. 1960, c. 282, s. 1, par. 17, *amended*.
- 15. "pressure" means pressure in pounds per square inch above normal atmospheric pressure; R.S.O. 1960, c. 282, s. 1, par. 18, *amended*.
- 16. "pressure vessel" means a vessel that is heated or its contents are heated by,
 - i. a flame or the hot gases of combustion,
 - ii. electricity,
 - iii. a liquid, or
 - iv. nuclear energy, either directly or indirectly;
- 17. "prime mover" means an initial source of motive power, and includes an electric motor, an internal combustion engine, a steam engine, a steam turbine and a gas turbine; *New*.
- 18. "refrigerant" means a substance that may be used to produce refrigeration by its expansion or evaporation; R.S.O. 1960, c. 282, s. 1, par. 19, *amended*.

19. "refrigeration plant" means an installation comprised of one or more refrigeration compressors with prime movers and the equipment used in connection therewith for compressing, liquefying at a pressure of more than 15 and evaporating a refrigerant where the total Therm-hour rating of all such prime movers is more than 1.272; R.S.O. 1960, c. 282, s. 1, par. 7, *amended*.
20. "regulations" means the regulations made under this Act; R.S.O. 1960, c. 282, s. 1, par. 23.
21. "shift engineer" means an operating engineer who has charge of and operates a plant under the direction and supervision of a chief operating engineer and who has the authority to perform the powers and duties of the chief operating engineer when the chief operating engineer is absent from the plant; R.S.O. 1960, c. 282, s. 1, par. 24, *amended*.
22. "shift operator" means an operator or operating engineer who has charge of and operates a compressor or refrigeration plant under the direction and supervision of a chief operator or a chief operating engineer and who has the authority to perform the powers and duties of the chief operator or the chief operating engineer when the chief operator or the chief operating engineer is absent from the plant; R.S.O. 1960, c. 282, s. 1, par. 25, *amended*.
23. "stationary power plant" means an installation comprised of one or more boilers,
 - i. containing steam at a pressure of more than 15, or
 - ii. containing water at a temperature at any boiler outlet of more than 250°F.,
 and in addition a stationary power plant may have,
 - iii. one or more boilers containing steam at a pressure of 15 or less or water at a temperature at any boiler outlet of more than 212°F. and up to and including 250°F., and
 - iv. one or more compressors or refrigeration compressors,
 and the total Therm-hour rating of all such boilers and compressors is more than 17; *New*.

24. "steam hoisting plant" means a hoist equipped with a drum and a hoisting rope or chain that is driven by a steam-driven prime mover and used for raising, lowering or swinging material; R.S.O. 1960, c. 282, s. 1, par. 26, *amended*.
25. "steam-powered plant" means a turbine or engine having a Therm-hour rating of more than 3.816 driven by steam,
- i. from a boiler that is not owned by or under the control of the user of the turbine or engine, or
 - ii. from another plant of the user of the turbine or engine; R.S.O. 1960, c. 282, s. 1, par. 25, *amended*.
26. "temporary heating plant" means one or more boilers, with or without compressors, that supply heat to a project as defined in *The Construction Safety Act*,^{1961-62, c. 18} 1961-62 or to a shaft, tunnel, caisson or coffer dam to which the regulations made under subsection 1 of section 10 of *The Department of Labour Act* apply and that operates at a pressure,^{R.S.O. 1960, c. 97}
- i. of not more than 15 and has a total Therm-hour rating of more than 50, or
 - ii. of more than 15 and has a total Therm-hour rating of more than 17;
27. "Therm-hour" means 100,000 British thermal units per hour or 39.3081 brake horse-power; *New*.
28. "Therm-hour rating" means the Therm-hour rating of a plant as determined under this Act or the regulations; R.S.O. 1960, c. 282, s. 1, par. 21, *amended*.
29. "user" means the person in control of a plant as owner, lessee or otherwise, but does not include its operating engineer or operator as such. *New*.

2. This Act does not apply to,

Exemptions

- (a) a person who performs work in connection with a plant other than the actual operation of it; *New*.
- (b) a person, other than an operating engineer or operator, engaged in installing, testing or repairing a plant; R.S.O. 1960, c. 282, s. 2, cl. (b), *amended*.

R.S.O. 1960,
c. 119

(c) an elevator or lift as defined in *The Elevators and Lifts Act; New.*

R.S.O. 1960,
c. 241

(d) a shaft hoist or other hoist used in mining within the meaning of *The Mining Act*; R.S.O. 1960, c. 282, s. 2, cl. (c), *amended.*

(e) an overhead bridge-type crane that is not equipped with a boiler and that operates on a fixed runway; R.S.O. 1960, c. 282, s. 2, cl. (e), *amended.*

(f) a plant that is subject to inspection by the Board of Transport Commissioners for Canada or The Energy Board of Canada; R.S.O. 1960, c. 282, s. 2, cl. (g), *amended.*

(g) any boiler used in connection with an open-type hot water heating system where there are no intervening valves between the boiler and any direct vent to the atmosphere; R.S.O. 1960, c. 282, s. 2, cl. (h), *amended.*

(h) a stationary power plant or low-pressure stationary plant while used in connection with any growing operation except a growing operation being carried on in a greenhouse where any person, other than the user of the plant or his immediate family, is employed or works in connection with the growing operation; R.S.O. 1960, c. 282, s. 2, cl. (f), *amended.*

(i) a hoisting device,

(i) that is used exclusively for raising, lowering or towing motor vehicles,

(ii) that is mounted on a motor vehicle used exclusively for fire fighting,

(iii) that is mounted on a motor vehicle and used exclusively for loading or unloading materials carried by the motor vehicle, or

(iv) of a class that is exempted by the regulations;

(j) a compressor used in the generation or distribution of electricity in a place in which no person normally works and where the compressor is controlled automatically or by remote manual control;

(k) a compressor or refrigeration compressor that operates at a pressure of 15 or less;

- (l) a compressor installation with a prime mover having a Therm-hour rating of 1.145 or less;
- (m) a refrigeration compressor installation with a prime mover having a Therm-hour rating of 0.763 or less;
- (n) a boiler installation containing steam at a pressure of 15 or less or water at a temperature at any boiler outlet of 250°F. or less, and having a Therm-hour rating of 10 or less;
- (o) a boiler installation containing steam at a pressure of more than 15 or water at a temperature at any boiler outlet of more than 250°F., and having a Therm-hour rating of 5 or less. *New.*

3.—(1) There shall be appointed a chief officer, three or more examiners and such inspectors as are necessary to administer and enforce this Act and the regulations, and such persons shall be subject to the direction and control of the Minister. R.S.O. 1960, c. 282, s. 3 (1), *part, amended.* Chief officer, examiners and inspectors

(2) The chief officer, an inspector or any person authorized in writing by the Minister may enter and inspect any building or premises where he has reason to believe a plant is being installed or operated. R.S.O. 1960, c. 282, s. 4 (2), *amended.* Powers of inspection

4.—(1) There shall be a Board of Examiners composed of the chief officer and the examiners mentioned in section 3, one of whom may be appointed as chairman. R.S.O. 1960, c. 282, s. 3 (1), *part, amended.* Board of Examiners

(2) A majority of the members of the Board constitutes a quorum whether or not a vacancy exists on the Board. *New.* Quorum

5.—(1) The chief officer may, for the purposes of this Act, require a user or a manufacturer of a boiler or prime mover, Information

(a) to furnish him with information; or

(b) to perform tests to establish the proper Therm-hour rating of a boiler or prime mover.

(2) Where a test to establish the Therm-hour rating is performed under clause *b* of subsection 1 in a manner satisfactory to the chief officer, the rating as established by the test is the Therm-hour rating, notwithstanding sections 11, 12 and 13. *New.* Rating by actual test

6.—(1) Every user of a plant shall, before operating it, register it with the chief officer. R.S.O. 1960, c. 282, s. 5 (1), *amended.* Registration of plants

Idem

(2) Where two or more plants of a user are located on the same premises, such plants shall, unless the chief officer determines otherwise, be registered as one plant. R.S.O. 1960, c. 282, s. 5 (2), *amended*.

Certificates of registration and registration plates

7.—(1) The chief officer, upon application in the prescribed form and upon payment of the prescribed fee, shall issue to the user of a plant a certificate of registration or a registration plate, as the case requires.

Contents of certificates of registration

(2) Every certificate of registration shall show,

- (a) the registration number;
- (b) the name of the user of the plant;
- (c) the Therm-hour rating of the plant;
- (d) the maximum pressures at which the safety valves on boilers, compressors or refrigeration compressors are respectively set to relieve pressure; and
- (e) the classes of operating engineers or operators required for the plant. R.S.O. 1960, c. 282, s. 6, *amended*.

Contents of registration plates

(3) Every registration plate shall show,

- (a) the registration number; and
- (b) the Therm-hour rating of the plant. *New*.

Display of certificate of registration

8.—(1) The user of a plant shall conspicuously display its certificate of registration in the engine room, compressor room or boiler room of the plant. R.S.O. 1960, c. 282, s. 7, *amended*.

Display of plate

(2) The user of a hoisting plant or a steam hoisting plant shall conspicuously display its registration plate in the cab or in some equally protected position in the plant. *New*.

Re-registration

9. Where the setting of a safety valve or the Therm-hour rating of a registered plant is changed, the user of the plant shall notify the chief officer in writing within fifteen days with full particulars of such change in setting or Therm-hour rating and, where the change is sufficient to change the classes of operating engineers or operators required for the plant, he shall return the certificate of registration or registration plate, as the case may be, to the chief officer, together with the pre-

scribed plant registration application form and the prescribed fee, and thereupon the chief officer shall issue a new certificate of registration or a new registration plate, as the case may be, for the plant. R.S.O. 1960, c. 282, s. 5 (3, 4), *amended*.

10. The registered horse-power of every plant or part thereof in use when this Act comes into force shall be converted from a horse-power basis to a Therm-hour basis in accordance with the following provisions: Conversion
of existing
plants to
Therm-
hour rating

1. The Therm-hour rating of a boiler, other than an electric boiler, is the horse-power of the boiler shown on the certificate of registration for the plant under the predecessor of this Act multiplied by 2 and divided by 3.
2. The Therm-hour rating of an electric boiler is the horse-power of the boiler shown on the certificate of registration for the plant under the predecessor of this Act divided by 3.
3. The Therm-hour rating of the prime mover of any type of compressor is the brake horse-power of the prime mover of the compressor shown on the certificate of registration for the plant under the predecessor of this Act multiplied by 0.02544.
4. The Therm-hour rating of a plant having boilers only is the total of the Therm-hour ratings of its boilers.
5. The Therm-hour rating of a plant having any type of compressors but no boilers is the total of the Therm-hour ratings of the prime movers of its compressors.
6. The Therm-hour rating of a plant having boilers and any type of compressors is the horse-power rating of the plant shown on its certificate of registration under the predecessor of this Act multiplied by 2 and divided by 3. *New.*

11.—(1) In this section, *as amended*

**Interpre-
tation**

- (a) "altered" means that the maximum capacity of the boiler to heat water or to generate or heat steam while in normal continuous operation has been changed;
- (b) "installed" means that the boiler is so placed and so equipped that in the opinion of the chief officer it is ready for use, and "re-installed" has a corresponding meaning.

Therm-hour
rating,
boilers

(2) The Therm-hour rating of a boiler, other than an electric boiler, that is installed, re-installed or altered after this Act comes into force shall be the maximum number of British thermal units in the total heat content of the water or steam entering its inlet subtracted from the total heat content of the water or steam leaving its outlet per hour, as determined by its manufacturer for its normal, continuous operation, divided by 100000.

Idem,
electric
boilers

(3) The Therm-hour rating of an electric boiler that is installed, re-installed or altered after this Act comes into force shall be the maximum number of kilowatts supplied to the boiler per hour, as determined by its manufacturer for its normal, continuous operation, multiplied by 3413 and divided by 100000. *New.*

Therm-hour
rating,
prime
movers

12. The Therm-hour rating of a prime mover, other than an electric motor or an internal combustion engine, is the maximum brake horse-power, as determined by its manufacturer for its normal, continuous operation, multiplied by 0.02544. *New.*

Therm-hour
rating,
electric
motors

13.—(1) The Therm-hour rating of an electric motor is the lesser of,

- (a) the maximum brake horse-power, as determined by its manufacturer for its normal, continuous operation, multiplied by 0.02544; or
- (b) the maximum kilowatt rating of the motor, as determined by its manufacturer for its normal, continuous operation, modified where necessary for the type of service in which it is used, multiplied by 0.03413.

Idem,
internal
combustion
engines

(2) The Therm-hour rating of an internal combustion engine is,

- (a) the maximum brake horse-power, as determined by the engine manufacturer for its normal, continuous operation, multiplied by 0.02544; or
- (b) where the manufacturer of the engine has not determined its maximum brake horse-power for its normal, continuous operation, the Therm-hour rating is the product of the following formula multiplied by 0.02544:

$$\frac{(\text{diameter of cylinders in inches})^2 \times \text{number of cylinders}}{1.4}$$

(3) Where, in the opinion of the chief officer, the Therm-hour rating of an engine cannot be determined under clause *b* of subsection 2, the chief officer may establish the Therm-hour rating of the engine. *New.* Exception

14.—(1) The Therm-hour rating, Therm-hour
rating,
plants

- (a) of a stationary power plant is the total of the Therm-hour ratings of its boilers and of the prime movers of its compressors;
- (b) of a low-pressure stationary plant is the total of the Therm-hour ratings of its boilers and of the prime movers of its compressors;
- (c) of a compressor plant that has motive power other than steam is the total of the Therm-hour ratings of the prime movers of its compressors;
- (d) of a refrigeration plant that has motive power other than steam is the total of the Therm-hour ratings of the prime movers of its compressors;
- (e) of a steam-powered plant is the total of the Therm-hour ratings of its prime movers. R.S.O. 1960, c. 282, s. 9 (1), *amended*.

(2) Where a plant does not fall within one of the clauses of subsection 1, its Therm-hour rating shall be determined by the chief officer. Exceptional
cases

(3) Where two or more plants of a user are located on the same premises and are registered as a plant, its Therm-hour rating is the total of the Therm-hour ratings of such plants. *New.* Idem,
combination
plants

15.—(1) Operating engineers shall be classified as follows: Classes of
operating
engineers

- 1. Stationary engineer (fourth, third, second or first class).
- 2. Provisional stationary engineer (fourth, third or second class).
- 3. Hoisting engineer.
- 4. Steam-hoisting engineer.

(2) Operators shall be classified as follows:

Classes of
operators

- 1. Compressor operator.
- 2. Refrigeration operator (B or A class). R.S.O. 1960, c. 282, s. 10, *amended*.

Stationary
engineers
(4th class),
what
qualified
to do

16.—(1) A person holding a stationary engineer's (fourth class) certificate of qualification is qualified,

(a) to act as chief operating engineer in charge of,

- (i) any stationary power plant of not more than 50 Therm-hours,
- (ii) any low-pressure stationary plant of not more than 134 Therm-hours,
- (iii) any steam-powered plant of not more than 7.632 Therm-hours,
- (iv) any refrigeration plant of not more than 3.180 Therm-hours,
- (v) any compressor plant of not more than 6.360 Therm-hours,
- (vi) any plant referred to in subclause i, ii or iii whose total Therm-hour rating includes the Therm-hour rating of refrigeration compressors of not more than 2.544 Therm-hours or the Therm-hour rating of compressors, including any refrigeration compressors, of not more than 5.088 Therm-hours;

(b) to act as shift engineer in,

- (i) any stationary power plant of not more than 134 Therm-hours,
- (ii) any low-pressure stationary plant of not more than 400 Therm-hours,
- (iii) any steam-powered plant,
- (iv) any refrigeration plant of not more than 20.352 Therm-hours,
- (v) any compressor plant,
- (vi) any plant referred to in clause i, ii or iii whose total Therm-hour rating includes the Therm-hour rating of refrigeration compressors of not more than 5.088 or the Therm-hour rating of compressors, including any refrigeration compressors, of not more than 10.176 Therm-hours;

(c) to act as assistant shift engineer in,

- (i) any stationary power plant of not more than 400 Therm-hours;
- (ii) any low-pressure stationary plant, steam-powered plant, refrigeration plant or compressor plant.

(2) A person holding a stationary engineer's (third class) Idem, stationary engineers (3rd class) certificate of qualification is qualified,

(a) to act as chief operating engineer in charge of,

- (i) any stationary power plant of not more than 134 Therm-hours,
- (ii) any low-pressure stationary plant of not more than 400 Therm-hours,
- (iii) any steam-powered plant,
- (iv) any refrigeration plant of not more than 20.352 Therm-hours,
- (v) any compressor plant,
- (vi) any plant referred to in subclause i, ii or iii whose total Therm-hour rating includes the Therm-hour rating of refrigeration compressors of not more than 5.088 Therm-hours or the Therm-hour rating of compressors, including any refrigeration compressors, of not more than 10.176 Therm-hours;

(b) to act as shift engineer in,

- (i) any stationary power plant of not more than 400 Therm-hours that includes the Therm-hour rating of refrigeration compressors of not more than 10.176 Therm-hours or the Therm-hour rating of compressors, including any refrigeration compressors, of not more than 20.352,
- (ii) any low-pressure stationary plant, steam-powered plant, compressor or refrigeration plant;

(c) to act as assistant shift engineer in any plant.

Idem,
stationary
engineers
(2nd class)

(3) A person holding a stationary engineer's (second class) certificate of qualification is qualified,

(a) to act as chief operating engineer in charge of,

(i) a stationary power plant of not more than 400 Therm-hours that includes the Therm-hour rating of refrigeration compressors of not more than 20.352 Therm-hours or the Therm-hour rating of compressors, including any refrigeration compressors, of not more than 40.700 Therm-hours,

(ii) any low-pressure stationary plant, steam-powered plant, compressor or refrigeration plant;

(b) to act as shift engineer in any plant.

Idem,
stationary
engineers
(1st class)

(4) A person holding a stationary engineer's (first class) certificate of qualification is qualified to act as chief engineer in charge of any plant.

Idem,
compressor
operators

(5) A person holding a compressor operator's certificate of qualification is qualified to act as a chief or shift operator in any compressor plant whose prime mover is not a steam engine or steam turbine.

Idem,
refrigeration
operators
(class B)

(6) A person holding a refrigeration operator's (class B) certificate of qualification is qualified,

(a) to act as chief operator in a refrigeration plant of not more than 20.352 Therm-hours or in any compressor plant whose prime mover is not a steam engine or steam turbine;

(b) to act as a shift operator in any refrigeration or compressor plant whose prime mover is not a steam engine or steam turbine.

Idem,
refrigeration
operators
(class A)

(7) A person holding a refrigeration operator's (class A) certificate of qualification is qualified to act as chief or shift operator in any compressor or refrigeration plant whose prime mover is not a steam engine or steam turbine.

Idem,
steam
hoisting
engineers

(8) A person holding a steam hoisting engineer's certificate of qualification is qualified to operate any steam hoisting plant or hoisting plant.

(9) A person holding a hoisting engineer's certificate of qualification is qualified to operate any hoisting plant or portable compressor plant whose prime mover is not a steam engine or steam turbine. Idem, hoisting engineers

(10) A person holding a certificate of qualification of any class of stationary engineer or of a steam hoisting engineer is qualified to operate a portable compressor plant, a temporary heating plant or a portable boiler used in connection with any portable machinery or a device for melting ice or snow. Idem, stationary engineers, steam hoisting engineers

(11) A person holding a provisional certificate of qualification under section 23 is qualified to perform the same work and duties as an operating engineer or operator holding a corresponding certificate of qualification. R.S.O. 1960, c. 282, s. 11, *amended*. Idem, holders of provisional certificates

17. A person who is obtaining qualifying experience for his first certificate of qualification may not perform work in connection with the actual operation of a plant except under the personal direction and supervision of an operating engineer or operator. *New*. Trainees

18. Where a low-pressure stationary plant or stationary power plant has a compressor or a refrigeration compressor, the user of the plant may employ one or more compressor operators or one or more refrigeration operators, as the case may be, as shift operator or shift operators for the compressor. *New*. Shift operators for compressors in stationary plants

19. Where an operating engineer or operator is absent from his plant due to sickness or while on holidays, an operating engineer or operator holding a certificate not more than one class lower than the certificate of the operating engineer or operator who is absent may during the absence operate the plant for not more than thirty days per year or such greater number of days per year as the chief officer may authorize in writing in any particular case. R.S.O. 1960, c. 282, s. 13, *amended*. Absence due to sickness or holidays

20. While a plant is in operation, an operating engineer or an operator qualified to be in charge of such a plant shall be present in its boiler room, compressor room or engine room, as the case may be, or, where it is not enclosed, he shall be present in its immediate vicinity, Temporary absences

(a) unless an operating engineer or an operator holding a certificate of qualification that is not more than one class lower is present during his absence;

(b) unless his absence is authorized by the regulations,

and unless, in either case, he is satisfied at the time of his leaving the plant that it is operating safely. R.S.O. 1960, c. 282, s. 14, *amended*.

Increase in
Therm hour
rating-

21. Where a plant has been operated by an operating engineer or operator in compliance with this Act and the regulations and the Therm-hour rating of the plant is increased so that the operating engineer or operator, as the case may be, is no longer qualified to operate the plant and he has operated the plant continuously for three consecutive years immediately before the increase, he may continue to operate the plant for such period and under such terms and conditions as the regulations prescribe. R.S.O. 1960, c. 282, s. 26, *amended*.

Certificates
of quali-
fication

22.—(1) The Board shall issue, in accordance with the regulations, a certificate of qualification to any person who,

- (a) shows proof satisfactory to the Board of the experience required by the regulations; and
- (b) passes the examinations conducted by the Board; and
- (c) pays the prescribed fee. R.S.O. 1960, c. 282, ss. 20 (1), 21, *amended*.

Term

(2) Every certificate of qualification, except a provisional certificate of qualification, remains in force during the calendar year in which it is issued and until the date of renewal or the 31st day of January in the following year, whichever occurs first, unless it is sooner suspended or cancelled. R.S.O. 1960, c. 282, s. 24 (1), *amended*.

Provisional
certificates
of quali-
fication

23.—(1) The Board may, upon payment of the prescribed fee and in accordance with the regulations, issue a provisional certificate of qualification without examination to any person who, in the opinion of the Board, holds a subsisting certificate issued by another province of Canada that qualifies the person to perform the work and duties of an operating engineer or operator in such province.

Idem

(2) A provisional certificate under subsection 1 shall be one grade lower than the certificate of qualification that, in the opinion of the Board, corresponds to the certificate issued by the other province. R.S.O. 1960, c. 282, s. 20 (2, 3), *amended*.

Term

(3) Every provisional certificate of qualification remains in force for one year from the date of issue, unless sooner suspended or cancelled, and is not renewable. R.S.O. 1960, c. 282, s. 25, *amended*.

Cancellation
or
suspension
of certi-
ficate of
qualification

24.—(1) The Board may cancel or suspend a certificate of qualification if the operating engineer or operator,

- (a) is habitually intemperate in his use of alcoholic beverages or is addicted to the use of drugs;
- (b) operates a plant when his ability to do so is impaired by alcohol or a drug;
- (c) is declared to be mentally incompetent or becomes physically incapable of safely performing his duties;
- (d) is incompetent or negligent in the discharge of his duties as an operating engineer or operator;
- (e) has obtained his certificate through misrepresentation or fraud;
- (f) maliciously destroys his employer's property;
- (g) allows another person to operate under his certificate;
- (h) attempts to obtain a certificate by false means for another person;
- (i) fails to give the notice required by section 28;
- (j) leaves the employ of his employer without having given his employer at least seven days' notice in writing of his intention to leave;
- (k) furnishes information for the use of the Board respecting an applicant for a certificate without knowing that the information is true; or
- (l) contravenes any of the provisions of this Act or the regulations. R.S.O. 1960, c. 282, s. 23, *amended*.

(2) No certificate of qualification shall be cancelled or suspended by the Board unless the Board first gives the holder of the certificate and his counsel, if any, and any other person having knowledge of the matter an opportunity to be heard. Hearings

(3) For the purposes of a hearing under this section, the chairman of the Board has all the powers that may be conferred upon a commissioner under *The Public Inquiries Act*. Powers
New. R.S.O. 1960,
c. 328

25.—(1) Any person who deems himself aggrieved by any decision of the Board or of the chief officer may, within ten days after the decision comes to his notice, appeal in writing from the decision to the Minister who shall, upon notice to all interested parties, hear the appeal and affirm, rescind or vary the decision. Appeals

- Idem (2) The making of an appeal under this section does not affect the operation of the decision pending the disposition of the appeal by the Minister. R.S.O. 1960, c. 282, s. 29, *amended*.
- Posting of certificates **26.** Every certificate of qualification shall at all times be displayed conspicuously in the engine room, compressor room or boiler room of the plant in which the holder thereof works, except in the case of a steam hoisting plant or a hoisting plant, in which case the certificate shall be carried upon the person of the holder. R.S.O. 1960, c. 282, s. 27, *amended*.
- Duplicate certificates **27.** Where a certificate has been lost or destroyed, the Board or the chief officer, as the case may be, on payment of the prescribed fee, shall issue a duplicate certificate. R.S.O. 1960, c. 282, s. 22, *amended*.
- Duty to notify of absence **28.** Every operating engineer or operator who,
 (a) knows that he will be absent from his duties; or
 (b) is unable to commence or continue his duties,
 shall immediately make every reasonable effort in the circumstances to so notify his chief operating engineer or chief operator or shift engineer or shift operator, or, if none, his employer. R.S.O. 1960, c. 282, s. 28, *amended*.
- Prohibitions, operation by other than operating engineer or operator **29.**—(1) No person other than an operating engineer who holds a certificate of qualification shall perform the work and duties of an operating engineer, and no person other than an operating engineer or operator who holds a certificate of qualification shall perform the work and duties of an operator. R.S.O. 1960, c. 282, s. 16, *amended*.
- Employment of un-qualified persons prohibited (2) No person shall employ,
 (a) any person who is not an operating engineer to perform the work and duties of an operating engineer or operator, or any person who is not an operator to perform the work and duties of an operator; or
 (b) any operating engineer or operator to operate a plant that he is not qualified under this Act to operate. R.S.O. 1960, c. 282, s. 18, *amended*.
- Work prohibited, unless qualified therefor (3) No operating engineer or operator shall perform any work or duties of an operating engineer or operator that he is not qualified under this Act to perform. R.S.O. 1960, c. 282, s. 17, *amended*.

30. No person shall use or operate a plant or cause a plant to be used or operated except in accordance with this Act and the regulations. *New.* ^{Operation of plants}

31.—(1) Every person who contravenes or fails to comply with any of the provisions of this Act or the regulations, or hinders or obstructs any person in the performance of his duties under this Act or the regulations, is guilty of an offence against this Act and on summary conviction is liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than twelve months, or to both. R.S.O. 1960, c. 282, s. 30, *amended.* ^{Offences}

(2) Where the circumstances constituting an offence against this Act continue from day to day and an information has been laid in respect of the offence, the offence shall be deemed to have been repeated on each day the circumstances continue. *New.* ^{Continuing offence}

32.—(1) The Lieutenant Governor in Council may appoint a board of review consisting of a chairman and equal numbers of representatives of plant users and operating engineers, ^{Board of review}

- (a) to advise the Minister as to the effectiveness of the Act and regulations in ensuring safety in connection with the operation of plants;
- (b) to evaluate and advise the Minister as to equipment and operating procedures in ensuring safety in connection with the operation of plants;
- (c) to advise the Minister, management and labour in connection with the training and employment of operating engineers and operators.

(2) The Lieutenant Governor in Council may fix the terms of office and the remuneration of the members of the board of review. ^{Term of office and remuneration}

(3) The Lieutenant Governor in Council may fill any vacancy in the membership of the board of review. ^{Vacancies}

(4) The board of review is responsible to the Minister. ^{Responsible to Minister}
New.

33. The Lieutenant Governor in Council may make regulations, ^{Regulations}

- (a) prescribing the qualifications of members of the Board and of inspectors;

- (b) prescribing the qualifications of applicants for certificates of qualification and provisional certificates of qualification and the evidence required to be furnished by such applicants as to previous training and experience;
- (c) prescribing courses of training or study for applicants for certificates of qualification;
- (d) prescribing the powers and duties of chief operating engineers, chief operators, shift engineers and shift operators;
- (e) prescribing the conditions of re-examination of applicants for certificates of qualification who have failed to pass the examinations required by the Board;
- (f) providing for the issue, renewal and re-instatement of certificates of qualification and for the issue of provisional certificates of qualification;
- (g) prescribing the method of establishing the Therm-hour ratings of internal combustion engines, or any class thereof, not specified in the Act;
- (h) classifying plants and exempting any class from any provision of this Act or the regulations;
- (i) respecting the operation of plants or any class of plants;
- (j) providing for the isolation of boilers and compressors by means of seals or otherwise;
- (k) authorizing and prescribing the circumstances and periods of absence for the purposes of section 20;
- (l) prescribing the periods during which and the terms and conditions upon which operating engineers and operators may continue to operate plants whose Therm-hour rating has been increased;
- (m) prescribing forms and providing for their use;
- (n) providing for and prescribing fees;
- (o) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1960, c. 282, s. 31, *amended*.

34.—(1) Every certificate of registration that was issued under *The Operating Engineers Act*, being chapter 282 of the Revised Statutes of Ontario, 1960, and that was in force on the day this Act came into force shall be deemed to be a certificate of registration issued under this Act, and it remains in force until the chief officer withdraws it. Transitional certificates of registration

(2) Every certificate of qualification that was issued under *The Operating Engineers Act*, being chapter 282 of the Revised Statutes of Ontario, 1960, and that was in force on the day this Act came into force shall be deemed to be a certificate of qualification issued under this Act. Idem, certificates of qualification

(3) Every provisional certificate of qualification that was issued under *The Operating Engineers Act*, being chapter 282 of the Revised Statutes of Ontario, 1960, and that was in force on the day this Act came into force shall be deemed to be a provisional certificate of qualification issued under this Act. Idem, provisional certificates of qualification

35. *The Operating Engineers Act* is repealed.

R.S.O. 1960, c. 282, repealed

36. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commencement

37. This Act may be cited as *The Operating Engineers Act*, 1965. Short title

The Operating Engineers Act, 1965

1st Reading

February 24th, 1965

2nd Reading

3rd Reading

MR. ROWNTREE

BILL 35

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

The Operating Engineers Act, 1965

MR. ROWNTREE

*(Reprinted as amended by the Committee on Labour,
Legal and Municipal Bills)*

EXPLANATORY NOTES

General: This is the first major revision of this Act since 1953.

This Bill implements the principal recommendations of the Special Committee on Revisions to *The Operating Engineers Act* and its Regulations appointed by the Minister of Labour.

Generally, the new Act brings the law governing boiler plants, compressor plants and refrigeration plants into line with modern technological practices.

Attention is drawn to the following:

1. The method of rating plants is changed from a horse-power basis to a Therm-hour basis.
2. The classes of plants that operating engineers and operators are qualified to operate are set out in the Act.
3. A board of review is established to advise the Minister respecting the operation and development of the Act.
4. The present functions of the Board of Examiners are divided between the Board and the chief officer. The latter will administer the Act and the regulations except with respect to certificates of qualification.

BILL 35

1965

The Operating Engineers Act, 1965

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

1. "Board" means the Board of Examiners appointed for the purposes of this Act; R.S.O. 1960, c. 282, s. 1, par. 1.
2. "boiler" means a pressure vessel that may be used at greater than atmospheric pressure,
 - i. to generate or heat steam, or
 - ii. to heat water to a temperature less than its boiling point at the maximum pressure within the vessel,
 and includes any pipe, fitting and other equipment attached thereto or used in connection therewith;
New.
3. "brake horse-power" means the effective or useful horse-power developed by a prime mover as measured by a weigh scale and a brake applied to its driving shaft or by other means approved by the chief officer, and one brake horse-power is equivalent to 2,544 British thermal units per hour or to 0.02544 Therm-hours; R.S.O. 1960, c. 282, s. 1, par. 2, *amended*.
4. "certificate of qualification" means a subsisting certificate of qualification issued under this Act to an operating engineer or an operator; R.S.O. 1960, c. 282, s. 1, par. 3, *amended*.
5. "certificate of registration" means a subsisting certificate of registration issued under this Act for a plant; R.S.O. 1960, c. 282, s. 1, par. 4, *amended*.

6. "chief operating engineer" means an operating engineer who at all times has charge of and the responsibility for the safe operation of a plant, and has such other powers and duties respecting the plant and persons therein as are prescribed in this Act and the regulations; R.S.O. 1960, c. 282, s. 1, par. 5, *amended*.
7. "chief operator" means an operator or an operating engineer who at all times has charge of and the responsibility for the safe operation of a compressor plant or a refrigeration plant, and has such other powers and duties respecting the plant and persons therein as are prescribed in this Act and the regulations; R.S.O. 1960, c. 282, s. 1, par. 6, *amended*.
8. "compressor plant" means an installation comprised of one or more compressors with prime movers and the equipment used in connection therewith for compressing but not liquefying air or any other gas to a pressure of more than 15 where the total Therm-hour rating of all such prime movers is more than 1.908; R.S.O. 1960, c. 282, s. 1, par. 7, *amended*.
9. "hoisting plant" means a hoist equipped with,
 - i. a drum and a hoisting rope or chain, or
 - ii. a hydraulic pump,
 that is driven by a prime mover or movers other than steam and that is used for raising, lowering or swinging material where the total Therm-hour rating of the prime mover or movers is,
 - iii. more than 1.137 for internal combustion engines, or
 - iv. 0.636 for other types of prime movers;
 R.S.O. 1960, c. 282, s. 1, par. 9, *amended*.
10. "inspector" means an inspector appointed for the purposes of this Act; R.S.O. 1960, c. 282, s. 1, par. 12.
11. "low-pressure stationary plant" means an installation comprised of one or more boilers,
 - i. containing steam at a pressure of 15 or less, or

- ii. containing water at a temperature at any boiler outlet of more than 212°F. and up to and including 250°F.,

and in addition a low-pressure stationary plant may have one or more compressors and one or more refrigeration compressors, and the total Therm-hour rating of all such boilers and compressors is more than 50; R.S.O. 1960, c. 282, s. 1, par. 13, *amended*.

- 12. "Minister" means the Minister of Labour; R.S.O. 1960, c. 282, s. 1, par. 14.
- 13. "operating engineer" or "operator" means a person who is the holder of a certificate of qualification; R.S.O. 1960, c. 282, s. 1, par. 15, *amended*.
- 14. "plant" means a stationary power-plant, low-pressure stationary plant, steam-powered plant, compressor plant, refrigeration plant or any combination thereof, or a hoisting plant, steam hoisting plant, a portable compressor plant or a temporary heating plant; R.S.O. 1960, c. 282, s. 1, par. 17, *amended*.
- 15. "pressure" means pressure in pounds per square inch above normal atmospheric pressure; R.S.O. 1960, c. 282, s. 1, par. 18, *amended*.
- 16. "pressure vessel" means a vessel that is heated or its contents are heated by,
 - i. a flame or the hot gases of combustion,
 - ii. electricity,
 - iii. a liquid, or
 - iv. nuclear energy, either directly or indirectly;
- 17. "prime mover" means an initial source of motive power, and includes an electric motor, an internal combustion engine, a steam engine, a steam turbine and a gas turbine; *New*.
- 18. "refrigerant" means a substance that may be used to produce refrigeration by its expansion or evaporation; R.S.O. 1960, c. 282, s. 1, par. 19, *amended*.

19. "refrigeration plant" means an installation comprised of one or more refrigeration compressors with prime movers and the equipment used in connection there-with for compressing, liquefying at a pressure of more than 15 and evaporating a refrigerant where the total Therm-hour rating of all such prime movers is more than 1.272; R.S.O. 1960, c. 282, s. 1, par. 20, *amended*.
20. "regulations" means the regulations made under this Act; R.S.O. 1960, c. 282, s. 1, par. 22.
21. "shift engineer" means an operating engineer who has charge of and operates a plant under the direction and supervision of a chief operating engineer and who has the authority to perform the powers and duties of the chief operating engineer when the chief operating engineer is absent from the plant; R.S.O. 1960, c. 282, s. 1, par. 23, *amended*.
22. "shift operator" means an operator or operating engineer who has charge of and operates a compressor or refrigeration plant under the direction and supervision of a chief operator or a chief operating engineer and who has the authority to perform the powers and duties of the chief operator or the chief operating engineer when the chief operator or the chief operating engineer is absent from the plant; R.S.O. 1960, c. 282, s. 1, par. 24, *amended*.
23. "stationary power plant" means an installation comprised of one or more boilers,
 - i. containing steam at a pressure of more than 15, or
 - ii. containing water at a temperature at any boiler outlet of more than 250°F.,
 and in addition a stationary power plant may have,
 - iii. one or more boilers containing steam at a pressure of 15 or less or water at a temperature at any boiler outlet of more than 212°F. and up to and including 250°F., and
 - iv. one or more compressors or refrigeration compressors,

and the total Therm-hour rating of all such boilers and compressors is more than 17; *New*.

24. "steam hoisting plant" means a hoist equipped with a drum and a hoisting rope or chain that is driven by a steam-driven prime mover and used for raising, lowering or swinging material; R.S.O. 1960, c. 282, s. 1, par. 26, *amended*.
25. "steam-powered plant" means a turbine or engine having a Therm-hour rating of more than 3.816 driven by steam,
- i. from a boiler that is not owned by or under the control of the user of the turbine or engine, or
 - ii. from another plant of the user of the turbine or engine; R.S.O. 1960, c. 282, s. 1, par. 25, *amended*.
26. "temporary heating plant" means one or more boilers, with or without compressors, that supply heat to a project as defined in *The Construction Safety Act*,^{1961-62, c. 18} 1961-62 or to a shaft, tunnel, caisson or coffer dam to which the regulations made under subsection 1 of section 10 of *The Department of Labour Act* apply and^{R.S.O. 1960, c. 97} that operates at a pressure,
- i. of not more than 15 and has a total Therm-hour rating of more than 50, or
 - ii. of more than 15 and has a total Therm-hour rating of more than 17;
27. "Therm-hour" means 100,000 British thermal units per hour or 39.3082 brake horse-power;
28. "Therm-hour rating" means the Therm-hour rating of a plant as determined under this Act or the regulations;
29. "user" means the person in control of a plant as owner, lessee or otherwise, but does not include its operating engineer or operator as such. *New*.

2. This Act does not apply to,

Exemptions

- (a) a person who performs work in connection with a plant other than the actual operation of it; *New*.
- (b) a person, other than an operating engineer or operator, engaged in installing, testing or repairing a plant; R.S.O. 1960, c. 282, s. 2, cl. (b), *amended*.

R.S.O. 1960,
c. 119

- (c) an elevator or lift as defined in *The Elevators and Lifts Act; New.*

R.S.O. 1960,
c. 241

- (d) a shaft hoist or other hoist used in mining within the meaning of *The Mining Act*; R.S.O. 1960, c. 282, s. 2, cl. (c), *amended.*
- (e) an overhead bridge-type crane that is not equipped with a boiler and that operates on a fixed runway; R.S.O. 1960, c. 282, s. 2, cl. (e), *amended.*
- (f) a plant that is subject to inspection by the Board of Transport Commissioners for Canada or The Energy Board of Canada; R.S.O. 1960, c. 282, s. 2, cl. (g), *amended.*
- (g) any boiler used in connection with an open-type hot water heating system where there are no intervening valves between the boiler and any direct vent to the atmosphere; R.S.O. 1960, c. 282, s. 2, cl. (h), *amended.*
- (h) a stationary power plant or low-pressure stationary plant while used in connection with any growing operation except a growing operation being carried on in a greenhouse where any person, other than the user of the plant or his immediate family, is employed or works in connection with the growing operation; R.S.O. 1960, c. 282, s. 2, cl. (f), *amended.*
- (i) a hoisting device,
- (i) that is used exclusively for raising, lowering or towing motor vehicles,
 - (ii) that is mounted on a motor vehicle used exclusively for fire fighting,
 - (iii) that is mounted on a motor vehicle and used exclusively for loading or unloading materials carried by the motor vehicle, or
 - (iv) of a class that is exempted by the regulations;
- (j) a compressor used in the generation or distribution of electricity in a place in which no person normally works and where the compressor is controlled automatically or by remote manual control;
- (k) a compressor or refrigeration compressor that operates at a pressure of 15 or less;

- (l) a compressor installation with a prime mover having a Therm-hour rating of 1.145 or less;
- (m) a refrigeration compressor installation with a prime mover having a Therm-hour rating of 0.7632 or less;
- (n) a boiler installation containing steam at a pressure of 15 or less or water at a temperature at any boiler outlet of 250°F. or less, and having a Therm-hour rating of 10 or less;
- (o) a boiler installation containing steam at a pressure of more than 15 or water at a temperature at any boiler outlet of more than 250°F., and having a Therm-hour rating of 5 or less. *New.*

3.—(1) There shall be appointed a chief officer, three or more examiners and such inspectors as are necessary to administer and enforce this Act and the regulations, and such persons shall be subject to the direction and control of the Minister. R.S.O. 1960, c. 282, s. 3 (1), *part, amended.*

(2) The chief officer, an inspector or any person authorized in writing by the Minister may enter and inspect any building or premises where he has reason to believe a plant is being installed or operated. R.S.O. 1960, c. 282, s. 4 (2), *amended.*

4.—(1) There shall be a Board of Examiners composed of the chief officer and the examiners mentioned in section 3, one of whom may be appointed as chairman. R.S.O. 1960, c. 282, s. 3 (1), *part, amended.*

(2) A majority of the members of the Board constitutes a quorum whether or not a vacancy exists on the Board. *New.*

5.—(1) The chief officer may, for the purposes of this Act, require a user or a manufacturer of a boiler or prime mover,

- (a) to furnish him with information; or
- (b) to perform tests to establish the proper Therm-hour rating of a boiler or prime mover.

(2) Where a test to establish the Therm-hour rating is performed under clause *b* of subsection 1 in a manner satisfactory to the chief officer, the rating as established by the test is the Therm-hour rating, notwithstanding sections 11, 12 and 13. *New.*

6.—(1) Every user of a plant shall, before operating it, register it with the chief officer. R.S.O. 1960, c. 282, s. 5 (1), *amended.*

Idem (2) Where two or more plants of a user are located on the same premises, such plants shall, unless the chief officer determines otherwise, be registered as one plant. R.S.O. 1960, c. 282, s. 5 (2), *amended*.

Certificates of registration and registration plates **7.**—(1) The chief officer, upon application in the prescribed form and upon payment of the prescribed fee, shall issue to the user of a plant a certificate of registration or a registration plate, as the case requires.

Contents of certificates of registration (2) Every certificate of registration shall show,

- (a) the registration number;
- (b) the name of the user of the plant;
- (c) the Therm-hour rating of the plant;
- (d) the maximum pressures at which the safety valves on boilers, compressors or refrigeration compressors are respectively set to relieve pressure; and
- (e) the classes of operating engineers or operators required for the plant. R.S.O. 1960, c. 282, s. 6, *amended*.

Contents of registration plates (3) Every registration plate shall show,

- (a) the registration number; and
- (b) the Therm-hour rating of the plant. *New*.

Display of certificate of registration **8.**—(1) The user of a plant shall conspicuously display its certificate of registration in the engine room, compressor room or boiler room of the plant. R.S.O. 1960, c. 282, s. 7, *amended*.

Display of plate (2) The user of a hoisting plant or a steam hoisting plant shall conspicuously display its registration plate in the cab or in some equally protected position in the plant. *New*.

Re-registration **9.** Where the setting of a safety valve or the Therm-hour rating of a registered plant is changed, the user of the plant shall notify the chief officer in writing within fifteen days with full particulars of such change in setting or Therm-hour rating and, where the change is sufficient to change the classes of operating engineers or operators required for the plant, he shall return the certificate of registration or registration plate, as the case may be, to the chief officer, together with the pre-

scribed plant registration application form and the prescribed fee, and thereupon the chief officer shall issue a new certificate of registration or a new registration plate, as the case may be, for the plant. R.S.O. 1960, c. 282, s. 5 (3, 4), *amended*.

10. The registered horse-power of every plant or part thereof in use when this Act comes into force shall be converted from a horse-power basis to a Therm-hour basis in accordance with the following provisions: Conversion of existing plants to Therm-hour rating

1. The Therm-hour rating of a boiler, other than an electric boiler, is the horse-power of the boiler shown on the certificate of registration for the plant under the predecessor of this Act multiplied by 2 and divided by 3.
2. The Therm-hour rating of an electric boiler is the horse-power of the boiler shown on the certificate of registration for the plant under the predecessor of this Act divided by 3.
3. The Therm-hour rating of the prime mover of any type of compressor is the brake horse-power of the prime mover of the compressor shown on the certificate of registration for the plant under the predecessor of this Act multiplied by 0.02544.
4. The Therm-hour rating of a plant having boilers only is the total of the Therm-hour ratings of its boilers.
5. The Therm-hour rating of a plant having any type of compressors but no boilers is the total of the Therm-hour ratings of the prime movers of its compressors.
6. The Therm-hour rating of a plant having boilers and any type of compressors is the horse-power rating of the plant shown on its certificate of registration under the predecessor of this Act multiplied by 2 and divided by 3. *New.*

11.—(1) In this section,

**Interpre-
tation**

- (a) "altered" means that the maximum capacity of the boiler to heat water or to generate or heat steam while in normal continuous operation has been changed;
- (b) "installed" means that the boiler is so placed and so equipped that in the opinion of the chief officer it is ready for use, and "re-installed" has a corresponding meaning.

Therm-hour
rating,
boilers

(2) The Therm-hour rating of a boiler, other than an electric boiler, that is installed, re-installed or altered after this Act comes into force shall be the maximum number of British thermal units in the total heat content of the water or steam entering its inlet subtracted from the total heat content of the water or steam leaving its outlet per hour, as determined by its manufacturer for its normal, continuous operation, divided by 100000.

Idem,
electric
boilers

(3) The Therm-hour rating of an electric boiler that is installed, re-installed or altered after this Act comes into force shall be the maximum number of kilowatts supplied to the boiler per hour, as determined by its manufacturer for its normal, continuous operation, multiplied by 3413 and divided by 100000. *New.*

Therm-hour
rating,
prime
movers

12. The Therm-hour rating of a prime mover, other than an electric motor or an internal combustion engine, is the maximum brake horse-power, as determined by its manufacturer for its normal, continuous operation, multiplied by 0.02544. *New.*

Therm-hour
rating,
electric
motors

13.—(1) The Therm-hour rating of an electric motor is the lesser of,

- (a) the maximum brake horse-power, as determined by its manufacturer for its normal, continuous operation, multiplied by 0.02544; or
- (b) the maximum kilowatt rating of the motor, as determined by its manufacturer for its normal, continuous operation, modified where necessary for the type of service in which it is used, multiplied by 0.03413.

Idem,
internal
combustion
engines

(2) The Therm-hour rating of an internal combustion engine is,

- (a) the maximum brake horse-power, as determined by the engine manufacturer for its normal, continuous operation, multiplied by 0.02544; or
- (b) where the manufacturer of the engine has not determined its maximum brake horse-power for its normal, continuous operation, the Therm-hour rating is the product of the following formula multiplied by 0.02544:

$$\frac{(\text{diameter of cylinders in inches})^2 \times \text{number of cylinders}}{1.4}$$

(3) Where, in the opinion of the chief officer, the Therm-hour rating of an engine cannot be determined under clause *b* of subsection 2, the chief officer may establish the Therm-hour rating of the engine. *New.* Exception

14.—(1) The Therm-hour rating, Therm-hour rating, plants

- (a) of a stationary power plant is the total of the Therm-hour ratings of its boilers and of the prime movers of its compressors;
- (b) of a low-pressure stationary plant is the total of the Therm-hour ratings of its boilers and of the prime movers of its compressors;
- (c) of a compressor plant that has motive power other than steam is the total of the Therm-hour ratings of the prime movers of its compressors;
- (d) of a refrigeration plant that has motive power other than steam is the total of the Therm-hour ratings of the prime movers of its compressors;
- (e) of a steam-powered plant is the total of the Therm-hour ratings of its prime movers. R.S.O. 1960, c. 282, s. 9 (1), *amended*.

(2) Where a plant does not fall within one of the clauses of subsection 1, its Therm-hour rating shall be determined by the chief officer. Exceptional cases

(3) Where two or more plants of a user are located on the same premises and are registered as a plant, its Therm-hour rating is the total of the Therm-hour ratings of such plants. Idem, combination plants
New.

15.—(1) Operating engineers shall be classified as follows: Classes of operating engineers

- 1. Stationary engineer (fourth, third, second or first class).
- 2. Provisional stationary engineer (fourth, third or second class).
- 3. Hoisting engineer.
- 4. Steam-hoisting engineer.

(2) Operators shall be classified as follows:

Classes of operators

- 1. Compressor operator.
- 2. Refrigeration operator (B or A class). R.S.O. 1960, c. 282, s. 10, *amended*.

Stationary
engineers
(4th class),
what
qualified
to do

16.—(1) A person holding a stationary engineer's (fourth class) certificate of qualification is qualified,

(a) to act as chief operating engineer in charge of,

- (i) any stationary power plant of not more than 50 Therm-hours where the Therm-hour rating of refrigeration compressors is not more than 2.544 and the Therm-hour rating of compressors, including any refrigeration compressors, is not more than 5.088,
- (ii) any low-pressure stationary plant of not more than 134 Therm-hours,
- (iii) any steam-powered plant of not more than 7.632 Therm-hours,
- (iv) any refrigeration plant of not more than 5.088 Therm-hours,
- (v) any compressor plant of not more than 10.176 Therm-hours,
- (vi) any plant referred to in subclause ii or iii whose total Therm-hour rating includes the Therm-hour rating of refrigeration compressors of not more than 3.816 Therm-hours or the Therm-hour rating of compressors, including any refrigeration compressors, of not more than 7.632 Therm-hours;

(b) to act as shift engineer in,

- (i) any stationary power plant of not more than 134 Therm-hours where the Therm-hour rating of refrigeration compressors is not more than 5.088 and the Therm-hour rating of compressors, including any refrigeration compressors, is not more than 10.176,
- (ii) any low-pressure stationary plant of not more than 400 Therm-hours,
- (iii) any steam-powered plant,
- (iv) any refrigeration plant of not more than 20.352 Therm-hours,
- (v) any compressor plant,
- (vi) any plant referred to in subclause ii or iii whose total Therm-hour rating includes the Therm-hour rating of refrigeration compressors of not more than 15.264 or the Therm-hour rating of compressors, including any refrigeration compressors, of not more than 30.528 Therm-hours;

(c) to act as assistant shift engineer in,

- (i) any stationary power plant of not more than 400 Therm-hours;
- (ii) any low-pressure stationary plant, steam-powered plant, refrigeration plant or compressor plant.

(2) A person holding a stationary engineer's (third class) certificate of qualification is qualified, Idem,
stationary
engineers
(3rd class)

(a) to act as chief operating engineer in charge of,

- (i) any stationary power plant of not more than 134 Therm-hours where the Therm-hour rating of refrigeration compressors is not more than 5.088 and the Therm-hour rating of compressors, including any refrigeration compressors, is not more than 10.176.
- (ii) any low-pressure stationary plant of not more than 400 Therm-hours,
- (iii) any steam-powered plant,
- (iv) any refrigeration plant of not more than 20.352 Therm-hours,
- (v) any compressor plant,
- (vi) any plant referred to in subclause ii or iii whose total Therm-hour rating includes the Therm-hour rating of refrigeration compressors of not more than 15.264 Therm-hours or the Therm-hour rating of compressors, including any refrigeration compressors, of not more than 30.528 Therm-hours;

(b) to act as shift engineer in,

- (i) any stationary power plant of not more than 400 Therm-hours that includes the Therm-hour rating of refrigeration compressors of not more than 15.264 Therm-hours or the Therm-hour rating of compressors, including any refrigeration compressors, of not more than 30.528,
- (ii) any low-pressure stationary plant, steam-powered plant, compressor or refrigeration plant;

(c) to act as assistant shift engineer in any plant.

Idem,
stationary
engineers
(2nd class)

(3) A person holding a stationary engineer's (second class) certificate of qualification is qualified,

(a) to act as chief operating engineer in charge of,

(i) a stationary power plant of not more than 400 Therm-hours that includes the Therm-hour rating of refrigeration compressors of not more than 15.264 Therm-hours or the Therm-hour rating of compressors, including any refrigeration compressors, of not more than 30.528 Therm-hours,

(ii) any low-pressure stationary plant, steam-powered plant, compressor or refrigeration plant;

(b) to act as shift engineer in any plant.

Idem,
stationary
engineers
(1st class)

(4) A person holding a stationary engineer's (first class) certificate of qualification is qualified to act as chief operating engineer in charge of any plant.

Idem,
compressor
operators

(5) A person holding a compressor operator's certificate of qualification is qualified to act as a chief or shift operator in any compressor plant whose prime mover is not a steam engine or steam turbine.

Idem,
refrigeration
operators
(class B)

(6) A person holding a refrigeration operator's (class B) certificate of qualification is qualified,

(a) to act as chief operator in a refrigeration plant of not more than 20.352 Therm-hours or in any compressor plant whose prime mover is not a steam engine or steam turbine;

(b) to act as a shift operator in any refrigeration or compressor plant whose prime mover is not a steam engine or steam turbine.

Idem,
refrigeration
operators
(class A)

(7) A person holding a refrigeration operator's (class A) certificate of qualification is qualified to act as chief or shift operator in any compressor or refrigeration plant whose prime mover is not a steam engine or steam turbine.

Idem,
steam
hoisting
engineers

(8) A person holding a steam hoisting engineer's certificate of qualification is qualified to operate any steam hoisting plant or hoisting plant.

(9) A person holding a hoisting engineer's certificate of qualification is qualified to operate any hoisting plant or portable compressor plant whose prime mover is not a steam engine or steam turbine. Idem, hoisting engineers

(10) A person holding a certificate of qualification of any class of stationary engineer or of a steam hoisting engineer is qualified to operate a portable compressor plant, a temporary heating plant or a portable boiler used in connection with any portable machinery or a device for melting ice or snow. Idem, stationary engineers, steam hoisting engineers

(11) A person holding a provisional certificate of qualification under section 23 is qualified to perform the same work and duties as an operating engineer or operator holding a corresponding certificate of qualification. R.S.O. 1960, c. 282, s. 11, *amended*. Idem, holders of provisional certificates

17. A person who is obtaining qualifying experience for his first certificate of qualification may not perform work in connection with the actual operation of a plant except under the personal direction and supervision of an operating engineer or operator. *New*. Trainees

18. Where a low-pressure stationary plant or stationary power plant has a compressor or a refrigeration compressor, the user of the plant may employ one or more compressor operators or one or more refrigeration operators, as the case may be, as shift operator or shift operators for the compressor. *New*. Shift operators for compressors in stationary plants

19. Where an operating engineer or operator is absent from his plant due to sickness or while on holidays, an operating engineer or operator holding a certificate not more than one class lower than the certificate of the operating engineer or operator who is absent may during the absence operate the plant for not more than thirty days per year or such greater number of days per year as the chief officer may authorize in writing in any particular case. R.S.O. 1960, c. 282, s. 13, *amended*. Absence due to sickness or holidays

20. While a plant is in operation, an operating engineer or an operator qualified to be in charge of such a plant shall be present in its boiler room, compressor room or engine room, as the case may be, or, where it is not enclosed, he shall be present in its immediate vicinity, Temporary absences

- (a) unless an operating engineer or an operator holding a certificate of qualification that is not more than one class lower is present during his absence;
- (b) unless his absence is authorized by the regulations,

and unless, in either case, he is satisfied at the time of his leaving the plant that it is operating safely. R.S.O. 1960, c. 282, s. 14, *amended*.

Increase in
Therm hour
rating-

21. Where a plant has been operated by an operating engineer or operator in compliance with this Act and the regulations and the Therm-hour rating of the plant is increased so that the operating engineer or operator, as the case may be, is no longer qualified to operate the plant and he has operated the plant continuously for three consecutive years immediately before the increase, he may continue to operate the plant for such period and under such terms and conditions as the regulations prescribe. R.S.O. 1960, c. 282, s. 26, *amended*.

Certificates
of quali-
fication

22.—(1) The Board shall issue, in accordance with the regulations, a certificate of qualification to any person who,

- (a) shows proof satisfactory to the Board of the experience required by the regulations; and
- (b) passes the examinations conducted by the Board; and
- (c) pays the prescribed fee. R.S.O. 1960, c. 282, ss. 20 (1), 21, *amended*.

Term

(2) Every certificate of qualification, except a provisional certificate of qualification, remains in force during the calendar year in which it is issued and until the date of renewal or the 31st day of January in the following year, whichever occurs first, unless it is sooner suspended or cancelled. R.S.O. 1960, c. 282, s. 24 (1), *amended*.

Provisional
certificates
of quali-
fication

23.—(1) The Board may, upon payment of the prescribed fee and in accordance with the regulations, issue a provisional certificate of qualification without examination to any person who, in the opinion of the Board, holds a subsisting certificate issued by another province of Canada that qualifies the person to perform the work and duties of an operating engineer or operator in such province.

Idem

(2) A provisional certificate under subsection 1 shall be one grade lower than the certificate of qualification that, in the opinion of the Board, corresponds to the certificate issued by the other province. R.S.O. 1960, c. 282, s. 20 (2, 3), *amended*.

Term

(3) Every provisional certificate of qualification remains in force for one year from the date of issue, unless sooner suspended or cancelled, and is not renewable. R.S.O. 1960, c. 282, s. 25, *amended*.

Cancellation
or
suspension
of certi-
ficate of
qualification

24.—(1) The Board may cancel or suspend a certificate of qualification if the operating engineer or operator,

- (a) is habitually intemperate in his use of alcoholic beverages or is addicted to the use of drugs;
- (b) operates a plant when his ability to do so is impaired by alcohol or a drug;
- (c) is declared to be mentally incompetent or becomes physically incapable of safely performing his duties;
- (d) is incompetent or negligent in the discharge of his duties as an operating engineer or operator;
- (e) has obtained his certificate through misrepresentation or fraud;
- (f) maliciously destroys his employer's property;
- (g) allows another person to operate under his certificate;
- (h) attempts to obtain a certificate by false means for another person;
- (i) fails to give the notice required by section 28;
- (j) leaves the employ of his employer without having given his employer at least seven days' notice in writing of his intention to leave;
- (k) furnishes information for the use of the Board respecting an applicant for a certificate without knowing that the information is true; or
- (l) contravenes any of the provisions of this Act or the regulations. R.S.O. 1960, c. 282, s. 23, *amended*.

(2) No certificate of qualification shall be cancelled or ^{Hearings} suspended by the Board unless the Board first gives the holder of the certificate and his counsel, if any, and any other person having knowledge of the matter an opportunity to be heard.

(3) For the purposes of a hearing under this section, the ^{Powers} chairman of the Board has all the powers that may be conferred upon a commissioner under *The Public Inquiries Act*. ^{R.S.O. 1960, c. 323}

New.

25.—(1) Any person who deems himself aggrieved by any ^{Appeals} decision of the Board or of the chief officer may, within ten days after the decision comes to his notice, appeal in writing from the decision to the Minister who shall, upon notice to all interested parties, hear the appeal and affirm, rescind or vary the decision.

Idem

(2) The making of an appeal under this section does not affect the operation of the decision pending the disposition of the appeal by the Minister. R.S.O. 1960, c. 282, s. 29, *amended*.

Posting of certificates

26. Every certificate of qualification shall at all times be displayed conspicuously in the engine room, compressor room or boiler room of the plant in which the holder thereof works, except in the case of a steam hoisting plant or a hoisting plant, in which case the certificate shall be carried upon the person of the holder. R.S.O. 1960, c. 282, s. 27, *amended*.

Duplicate certificates

27. Where a certificate has been lost or destroyed, the Board or the chief officer, as the case may be, on payment of the prescribed fee, shall issue a duplicate certificate. R.S.O. 1960, c. 282, s. 22, *amended*.

Duty to notify of absence

28. Every operating engineer or operator who,

- (a) knows that he will be absent from his duties; or
- (b) is unable to commence or continue his duties,

shall immediately make every reasonable effort in the circumstances to so notify his chief operating engineer or chief operator or shift engineer or shift operator, or, if none, his employer. R.S.O. 1960, c. 282, s. 28, *amended*.

Prohibitions, operation by other than operating engineer or operator

29.—(1) No person other than an operating engineer who holds a certificate of qualification shall perform the work and duties of an operating engineer, and no person other than an operating engineer or operator who holds a certificate of qualification shall perform the work and duties of an operator. R.S.O. 1960, c. 282, s. 16, *amended*.

Employment of unqualified persons prohibited

(2) No person shall employ,

- (a) any person who is not an operating engineer to perform the work and duties of an operating engineer or operator, or any person who is not an operator to perform the work and duties of an operator; or
- (b) any operating engineer or operator to operate a plant that he is not qualified under this Act to operate. R.S.O. 1960, c. 282, s. 18, *amended*.

Work prohibited, unless qualified therefor

(3) No operating engineer or operator shall perform any work or duties of an operating engineer or operator that he is not qualified under this Act to perform. R.S.O. 1960, c. 282, s. 17, *amended*.

30. No person shall use or operate a plant or cause a plant to be used or operated except in accordance with this Act and the regulations. *New.* ^{Operation of plants}

31.—(1) Every person who contravenes or fails to comply with any of the provisions of this Act or the regulations, or hinders or obstructs any person in the performance of his duties under this Act or the regulations, is guilty of an offence against this Act and on summary conviction is liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than twelve months, or to both. R.S.O. 1960, c. 282, s. 30, *amended.* ^{Offences}

(2) Where the circumstances constituting an offence against this Act continue from day to day and an information has been laid in respect of the offence, the offence shall be deemed to have been repeated on each day the circumstances continue. *New.* ^{Continuing offence}

32.—(1) The Lieutenant Governor in Council may appoint a board of review consisting of a chairman and equal numbers of representatives of plant users and operating engineers, ^{Board of review}

(a) to advise the Minister as to the effectiveness of the Act and regulations in ensuring safety in connection with the operation of plants;

(b) to evaluate and advise the Minister as to equipment and operating procedures in ensuring safety in connection with the operation of plants;

(c) to advise the Minister, management and labour in connection with the training and employment of operating engineers and operators.

(2) The Lieutenant Governor in Council may fix the terms of office and the remuneration of the members of the board of review. ^{Term of office and remuneration}

(3) The Lieutenant Governor in Council may fill any vacancy in the membership of the board of review. ^{Vacancies}

(4) The board of review is responsible to the Minister. ^{Responsible to Minister}
New.

33. The Lieutenant Governor in Council may make regulations, ^{Regulations}

(a) prescribing the qualifications of members of the Board and of inspectors;

- (b) prescribing the qualifications of applicants for certificates of qualification and provisional certificates of qualification and the evidence required to be furnished by such applicants as to previous training and experience;
- (c) prescribing courses of training or study for applicants for certificates of qualification;
- (d) prescribing the powers and duties of chief operating engineers, chief operators, shift engineers and shift operators;
- (e) prescribing the conditions of re-examination of applicants for certificates of qualification who have failed to pass the examinations required by the Board;
- (f) providing for the issue, renewal and re-instatement of certificates of qualification and for the issue of provisional certificates of qualification;
- (g) prescribing the method of establishing the Therm-hour ratings of internal combustion engines, or any class thereof, not specified in the Act;
- (h) classifying plants and exempting any class from any provision of this Act or the regulations;
- (i) respecting the operation of plants or any class of plants;
- (j) providing for the isolation of boilers and compressors by means of seals or otherwise;
- (k) authorizing and prescribing the circumstances and periods of absence for the purposes of section 20;
- (l) prescribing the periods during which and the terms and conditions upon which operating engineers and operators may continue to operate plants whose Therm-hour rating has been increased;
- (m) prescribing forms and providing for their use;
- (n) providing for and prescribing fees;
- (o) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1960, c. 282, s. 31, *amended*.

34.—(1) Every certificate of registration that was issued under *The Operating Engineers Act*, being chapter 282 of the Revised Statutes of Ontario, 1960, and that was in force on the day this Act came into force shall be deemed to be a certificate of registration issued under this Act, and it remains in force until the chief officer withdraws it.

Transitional
certificates
of regis-
tration

(2) Every certificate of qualification that was issued under *The Operating Engineers Act*, being chapter 282 of the Revised Statutes of Ontario, 1960, and that was in force on the day this Act came into force shall be deemed to be a certificate of qualification issued under this Act.

Idem,
certificates
of qual-
ification

(3) Every provisional certificate of qualification that was issued under *The Operating Engineers Act*, being chapter 282 of the Revised Statutes of Ontario, 1960, and that was in force on the day this Act came into force shall be deemed to be a provisional certificate of qualification issued under this Act.

Idem,
provisional
certificates
of qual-
ification

35. *The Operating Engineers Act* is repealed.

R.S.O. 1960,
c. 282,
repealed

36. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Commence-
ment

37. This Act may be cited as *The Operating Engineers Act*, 1965.

Short title

1st Reading

February 24th, 1965

2nd Reading

March 2nd, 1965

3rd Reading

MR. ROWNTREE

*(Reprinted as amended by the Committee on
Labour, Legal and Municipal Bills)*

BILL 35

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

The Operating Engineers Act, 1965

MR. ROWNTREE

THE UNIVERSITY OF CHICAGO

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The Operating Engineers Act, 1965

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

1. "Board" means the Board of Examiners appointed for the purposes of this Act; R.S.O. 1960, c. 282, s. 1, par. 1.

2. "boiler" means a pressure vessel that may be used at greater than atmospheric pressure,

- i. to generate or heat steam, or

- ii. to heat water to a temperature less than its boiling point at the maximum pressure within the vessel,

and includes any pipe, fitting and other equipment attached thereto or used in connection therewith;
New.

3. "brake horse-power" means the effective or useful horse-power developed by a prime mover as measured by a weigh scale and a brake applied to its driving shaft or by other means approved by the chief officer, and one brake horse-power is equivalent to 2,544 British thermal units per hour or to 0.02544 Therms; R.S.O. 1960, c. 282, s. 1, par. 2, *amended*.

4. "certificate of qualification" means a subsisting certificate of qualification issued under this Act to an operating engineer or an operator; R.S.O. 1960, c. 282, s. 1, par. 3, *amended*.

5. "certificate of registration" means a subsisting certificate of registration issued under this Act for a plant; R.S.O. 1960, c. 282, s. 1, par. 4, *amended*.

6. "chief operating engineer" means an operating engineer who at all times has charge of and the responsibility for the safe operation of a plant, and has such other powers and duties respecting the plant and persons therein as are prescribed in this Act and the regulations; R.S.O. 1960, c. 282, s. 1, par. 5, *amended*.
7. "chief operator" means an operator or an operating engineer who at all times has charge of and the responsibility for the safe operation of a compressor plant or a refrigeration plant, and has such other powers and duties respecting the plant and persons therein as are prescribed in this Act and the regulations; R.S.O. 1960, c. 282, s. 1, par. 6, *amended*.
8. "compressor plant" means an installation comprised of one or more compressors with prime movers and the equipment used in connection therewith for compressing but not liquefying air or any other gas to a pressure of more than 15 where the total Therm-hour rating of all such prime movers is more than 1.908; R.S.O. 1960, c. 282, s. 1, par. 7, *amended*.
9. "hoisting plant" means a hoist equipped with,
 - i. a drum and a hoisting rope or chain, or
 - ii. a hydraulic pump,

that is driven by a prime mover or movers other than steam and that is used for raising, lowering or swinging material where the total Therm-hour rating of the prime mover or movers is,

 - iii. more than 1.137 for internal combustion engines, or
 - iv. 0.636 for other types of prime movers;
R.S.O. 1960, c. 282, s. 1, par. 9, *amended*.
10. "inspector" means an inspector appointed for the purposes of this Act; R.S.O. 1960, c. 282, s. 1, par. 12.
11. "low-pressure stationary plant" means an installation comprised of one or more boilers,
 - i. containing steam at a pressure of 15 or less, or

- ii. containing water at a temperature at any boiler outlet of more than 212°F. and up to and including 250°F.,

and in addition a low-pressure stationary plant may have one or more compressors and one or more refrigeration compressors, and the total Therm-hour rating of all such boilers and compressors is more than 50; R.S.O. 1960, c. 282, s. 1, par. 13, *amended*.

- 12. "Minister" means the Minister of Labour; R.S.O. 1960, c. 282, s. 1, par. 14.
- 13. "operating engineer" or "operator" means a person who is the holder of a certificate of qualification; R.S.O. 1960, c. 282, s. 1, par. 15, *amended*.
- 14. "plant" means a stationary power-plant, low-pressure stationary plant, steam-powered plant, compressor plant, refrigeration plant or any combination thereof, or a hoisting plant, steam hoisting plant, a portable compressor plant or a temporary heating plant; R.S.O. 1960, c. 282, s. 1, par. 17, *amended*.
- 15. "pressure" means pressure in pounds per square inch above normal atmospheric pressure; R.S.O. 1960, c. 282, s. 1, par. 18, *amended*.
- 16. "pressure vessel" means a vessel that is heated or its contents are heated by,
 - i. a flame or the hot gases of combustion,
 - ii. electricity,
 - iii. a liquid, or
 - iv. nuclear energy, either directly or indirectly;
- 17. "prime mover" means an initial source of motive power, and includes an electric motor, an internal combustion engine, a steam engine, a steam turbine and a gas turbine; *New*.
- 18. "refrigerant" means a substance that may be used to produce refrigeration by its expansion or evaporation; R.S.O. 1960, c. 282, s. 1, par. 19, *amended*.

19. "refrigeration plant" means an installation comprised of one or more refrigeration compressors with prime movers and the equipment used in connection therewith for compressing, liquefying at a pressure of more than 15 and evaporating a refrigerant where the total Therm-hour rating of all such prime movers is more than 1.272; R.S.O. 1960, c. 282, s. 1, par. 20, *amended*.
20. "regulations" means the regulations made under this Act; R.S.O. 1960, c. 282, s. 1, par. 22.
21. "shift engineer" means an operating engineer who has charge of and operates a plant under the direction and supervision of a chief operating engineer and who has the authority to perform the powers and duties of the chief operating engineer when the chief operating engineer is absent from the plant; R.S.O. 1960, c. 282, s. 1, par. 23, *amended*.
22. "shift operator" means an operator or operating engineer who has charge of and operates a compressor or refrigeration plant under the direction and supervision of a chief operator or a chief operating engineer and who has the authority to perform the powers and duties of the chief operator or the chief operating engineer when the chief operator or the chief operating engineer is absent from the plant; R.S.O. 1960, c. 282, s. 1, par. 24, *amended*.
23. "stationary power plant" means an installation comprised of one or more boilers,
 - i. containing steam at a pressure of more than 15, or
 - ii. containing water at a temperature at any boiler outlet of more than 250°F.,
 and in addition a stationary power plant may have,
 - iii. one or more boilers containing steam at a pressure of 15 or less or water at a temperature at any boiler outlet of more than 212°F. and up to and including 250°F., and
 - iv. one or more compressors or refrigeration compressors,
 and the total Therm-hour rating of all such boilers and compressors is more than 17; *New*.

24. "steam hoisting plant" means a hoist equipped with a drum and a hoisting rope or chain that is driven by a steam-driven prime mover and used for raising, lowering or swinging material; R.S.O. 1960, c. 282, s. 1, par. 26, *amended*.
25. "steam-powered plant" means a turbine or engine having a Therm-hour rating of more than 3.816 driven by steam,
- i. from a boiler that is not owned by or under the control of the user of the turbine or engine, or
 - ii. from another plant of the user of the turbine or engine; R.S.O. 1960, c. 282, s. 1, par. 25, *amended*.
26. "temporary heating plant" means one or more boilers, with or without compressors, that supply heat to a project as defined in *The Construction Safety Act*,^{1961-62, c. 18} 1961-62 or to a shaft, tunnel, caisson or coffer dam to which the regulations made under subsection 1 of section 10 of *The Department of Labour Act* apply and that operates at a pressure,^{R.S.O. 1960, c. 97}
- i. of not more than 15 and has a total Therm-hour rating of more than 50, or
 - ii. of more than 15 and has a total Therm-hour rating of more than 17;
27. "Therm-hour" means 100,000 British thermal units per hour or 39.3082 brake horse-power;
28. "Therm-hour rating" means the Therm-hour rating of a plant as determined under this Act or the regulations;
29. "user" means the person in control of a plant as owner, lessee or otherwise, but does not include its operating engineer or operator as such. *New*.

2. This Act does not apply to,

Exemptions

- (a) a person who performs work in connection with a plant other than the actual operation of it; *New*.
- (b) a person, other than an operating engineer or operator, engaged in installing, testing or repairing a plant; R.S.O. 1960, c. 282, s. 2, cl. (b), *amended*.

R.S.O. 1960,
c. 119

(c) an elevator or lift as defined in *The Elevators and Lifts Act; New*.

R.S.O. 1960,
c. 241

(d) a shaft hoist or other hoist used in mining within the meaning of *The Mining Act*; R.S.O. 1960, c. 282, s. 2, cl. (c), *amended*.

(e) an overhead bridge-type crane that is not equipped with a boiler and that operates on a fixed runway; R.S.O. 1960, c. 282, s. 2, cl. (e), *amended*.

(f) a plant that is subject to inspection by the Board of Transport Commissioners for Canada or The Energy Board of Canada; R.S.O. 1960, c. 282, s. 2, cl. (g), *amended*.

(g) any boiler used in connection with an open-type hot water heating system where there are no intervening valves between the boiler and any direct vent to the atmosphere; R.S.O. 1960, c. 282, s. 2, cl. (h), *amended*.

(h) a stationary power plant or low-pressure stationary plant while used in connection with any growing operation except a growing operation being carried on in a greenhouse where any person, other than the user of the plant or his immediate family, is employed or works in connection with the growing operation; R.S.O. 1960, c. 282, s. 2, cl. (f), *amended*.

(i) a hoisting device,

(i) that is used exclusively for raising, lowering or towing motor vehicles,

(ii) that is mounted on a motor vehicle used exclusively for fire fighting,

(iii) that is mounted on a motor vehicle and used exclusively for loading or unloading materials carried by the motor vehicle, or

(iv) of a class that is exempted by the regulations;

(j) a compressor used in the generation or distribution of electricity in a place in which no person normally works and where the compressor is controlled automatically or by remote manual control;

(k) a compressor or refrigeration compressor that operates at a pressure of 15 or less;

- (l) a compressor installation with a prime mover having a Therm-hour rating of 1.145 or less;
- (m) a refrigeration compressor installation with a prime mover having a Therm-hour rating of 0.7632 or less;
- (n) a boiler installation containing steam at a pressure of 15 or less or water at a temperature at any boiler outlet of 250°F. or less, and having a Therm-hour rating of 10 or less;
- (o) a boiler installation containing steam at a pressure of more than 15 or water at a temperature at any boiler outlet of more than 250°F., and having a Therm-hour rating of 5 or less. *New.*

3.—(1) There shall be appointed a chief officer, three or more examiners and such inspectors as are necessary to administer and enforce this Act and the regulations, and such persons shall be subject to the direction and control of the Minister. R.S.O. 1960, c. 282, s. 3 (1), *part, amended.*

(2) The chief officer, an inspector or any person authorized in writing by the Minister may enter and inspect any building or premises where he has reason to believe a plant is being installed or operated. R.S.O. 1960, c. 282, s. 4 (2), *amended.*

4.—(1) There shall be a Board of Examiners composed of the chief officer and the examiners mentioned in section 3, one of whom may be appointed as chairman. R.S.O. 1960, c. 282, s. 3 (1), *part, amended.*

(2) A majority of the members of the Board constitutes a quorum whether or not a vacancy exists on the Board. *New.*

5.—(1) The chief officer may, for the purposes of this Act, require a user or a manufacturer of a boiler or prime mover,

- (a) to furnish him with information; or
- (b) to perform tests to establish the proper Therm-hour rating of a boiler or prime mover.

(2) Where a test to establish the Therm-hour rating is performed under clause *b* of subsection 1 in a manner satisfactory to the chief officer, the rating as established by the test is the Therm-hour rating, notwithstanding sections 11, 12 and 13. *New.*

6.—(1) Every user of a plant shall, before operating it, register it with the chief officer. R.S.O. 1960, c. 282, s. 5 (1), *amended.*

Idem

(2) Where two or more plants of a user are located on the same premises, such plants shall, unless the chief officer determines otherwise, be registered as one plant. R.S.O. 1960, c. 282, s. 5 (2), *amended*.

Certificates of registration and registration plates

7.—(1) The chief officer, upon application in the prescribed form and upon payment of the prescribed fee, shall issue to the user of a plant a certificate of registration or a registration plate, as the case requires.

Contents of certificates of registration

(2) Every certificate of registration shall show,

- (a) the registration number;
- (b) the name of the user of the plant;
- (c) the Therm-hour rating of the plant;
- (d) the maximum pressures at which the safety valves on boilers, compressors or refrigeration compressors are respectively set to relieve pressure; and
- (e) the classes of operating engineers or operators required for the plant. R.S.O. 1960, c. 282, s. 6, *amended*.

Contents of registration plates

(3) Every registration plate shall show,

- (a) the registration number; and
- (b) the Therm-hour rating of the plant. *New*.

Display of certificate of registration

8.—(1) The user of a plant shall conspicuously display its certificate of registration in the engine room, compressor room or boiler room of the plant. R.S.O. 1960, c. 282, s. 7, *amended*.

Display of plate

(2) The user of a hoisting plant or a steam hoisting plant shall conspicuously display its registration plate in the cab or in some equally protected position in the plant. *New*.

Re-regis-
tration

9. Where the setting of a safety valve or the Therm-hour rating of a registered plant is changed, the user of the plant shall notify the chief officer in writing within fifteen days with full particulars of such change in setting or Therm-hour rating and, where the change is sufficient to change the classes of operating engineers or operators required for the plant, he shall return the certificate of registration or registration plate, as the case may be, to the chief officer, together with the pre-

scribed plant registration application form and the prescribed fee, and thereupon the chief officer shall issue a new certificate of registration or a new registration plate, as the case may be, for the plant. R.S.O. 1960, c. 282, s. 5 (3, 4), *amended*.

10. The registered horse-power of every plant or part thereof in use when this Act comes into force shall be converted from a horse-power basis to a Therm-hour basis in accordance with the following provisions: Conversion
of existing
plants to
Therm-
hour rating

1. The Therm-hour rating of a boiler, other than an electric boiler, is the horse-power of the boiler shown on the certificate of registration for the plant under the predecessor of this Act multiplied by 2 and divided by 3.
2. The Therm-hour rating of an electric boiler is the horse-power of the boiler shown on the certificate of registration for the plant under the predecessor of this Act divided by 3.
3. The Therm-hour rating of the prime mover of any type of compressor is the brake horse-power of the prime mover of the compressor shown on the certificate of registration for the plant under the predecessor of this Act multiplied by 0.02544.
4. The Therm-hour rating of a plant having boilers only is the total of the Therm-hour ratings of its boilers.
5. The Therm-hour rating of a plant having any type of compressors but no boilers is the total of the Therm-hour ratings of the prime movers of its compressors.
6. The Therm-hour rating of a plant having boilers and any type of compressors is the horse-power rating of the plant shown on its certificate of registration under the predecessor of this Act multiplied by 2 and divided by 3. *New.*

11.—(1) In this section,

**Interpre-
tation**

- (a) "altered" means that the maximum capacity of the boiler to heat water or to generate or heat steam while in normal continuous operation has been changed;
- (b) "installed" means that the boiler is so placed and so equipped that in the opinion of the chief officer it is ready for use, and "re-installed" has a corresponding meaning.

Therm-hour
rating,
boilers

(2) The Therm-hour rating of a boiler, other than an electric boiler, that is installed, re-installed or altered after this Act comes into force shall be the maximum number of British thermal units in the total heat content of the water or steam entering its inlet subtracted from the total heat content of the water or steam leaving its outlet per hour, as determined by its manufacturer for its normal, continuous operation, divided by 100000.

Idem,
electric
boilers

(3) The Therm-hour rating of an electric boiler that is installed, re-installed or altered after this Act comes into force shall be the maximum number of kilowatts supplied to the boiler per hour, as determined by its manufacturer for its normal, continuous operation, multiplied by 3413 and divided by 100000. *New.*

Therm-hour
rating,
prime
movers

12. The Therm-hour rating of a prime mover, other than an electric motor or an internal combustion engine, is the maximum brake horse-power, as determined by its manufacturer for its normal, continuous operation, multiplied by 0.02544. *New.*

Therm-hour
rating,
electric
motors

13.—(1) The Therm-hour rating of an electric motor is the lesser of,

- (a) the maximum brake horse-power, as determined by its manufacturer for its normal, continuous operation, multiplied by 0.02544; or
- (b) the maximum kilowatt rating of the motor, as determined by its manufacturer for its normal, continuous operation, modified where necessary for the type of service in which it is used, multiplied by 0.03413.

Idem,
internal
combustion
engines

(2) The Therm-hour rating of an internal combustion engine is,

- (a) the maximum brake horse-power, as determined by the engine manufacturer for its normal, continuous operation, multiplied by 0.02544; or
- (b) where the manufacturer of the engine has not determined its maximum brake horse-power for its normal, continuous operation, the Therm-hour rating is the product of the following formula multiplied by 0.02544:

$$\frac{(\text{diameter of cylinders in inches})^2 \times \text{number of cylinders}}{1.4}$$

(3) Where, in the opinion of the chief officer, the Therm-hour rating of an engine cannot be determined under clause *b* of subsection 2, the chief officer may establish the Therm-hour rating of the engine. *New.*

14.—(1) The Therm-hour rating,

Therm-hour
rating,
plants

- (a) of a stationary power plant is the total of the Therm-hour ratings of its boilers and of the prime movers of its compressors;
- (b) of a low-pressure stationary plant is the total of the Therm-hour ratings of its boilers and of the prime movers of its compressors;
- (c) of a compressor plant that has motive power other than steam is the total of the Therm-hour ratings of the prime movers of its compressors;
- (d) of a refrigeration plant that has motive power other than steam is the total of the Therm-hour ratings of the prime movers of its compressors;
- (e) of a steam-powered plant is the total of the Therm-hour ratings of its prime movers. R.S.O. 1960, c. 282, s. 9 (1), *amended.*

(2) Where a plant does not fall within one of the clauses of subsection 1, its Therm-hour rating shall be determined by the chief officer. Exceptional
cases

(3) Where two or more plants of a user are located on the same premises and are registered as a plant, its Therm-hour rating is the total of the Therm-hour ratings of such plants. Idem,
combination
plants
New.

15.—(1) Operating engineers shall be classified as follows: Classes of
operating
engineers

- 1. Stationary engineer (fourth, third, second or first class).
- 2. Provisional stationary engineer (fourth, third or second class).
- 3. Hoisting engineer.
- 4. Steam-hoisting engineer.

(2) Operators shall be classified as follows:

Classes of
operators

- 1. Compressor operator.
- 2. Refrigeration operator (B or A class). R.S.O. 1960, c. 282, s. 10, *amended.*

Stationary
engineers
(4th class).
what
qualified
to do

16.—(1) A person holding a stationary engineer's (fourth class) certificate of qualification is qualified,

(a) to act as chief operating engineer in charge of,

- (i) any stationary power plant of not more than 50 Therm-hours where the Therm-hour rating of refrigeration compressors is not more than 2.544 and the Therm-hour rating of compressors, including any refrigeration compressors, is not more than 5.088,
- (ii) any low-pressure stationary plant of not more than 134 Therm-hours,
- (iii) any steam-powered plant of not more than 7.632 Therm-hours,
- (iv) any refrigeration plant of not more than 5.088 Therm-hours,
- (v) any compressor plant of not more than 10.176 Therm-hours,
- (vi) any plant referred to in subclause ii or iii whose total Therm-hour rating includes the Therm-hour rating of refrigeration compressors of not more than 3.816 Therm-hours or the Therm-hour rating of compressors, including any refrigeration compressors, of not more than 7.632 Therm-hours;

(b) to act as shift engineer in,

- (i) any stationary power plant of not more than 134 Therm-hours where the Therm-hour rating of refrigeration compressors is not more than 5.088 and the Therm-hour rating of compressors, including any refrigeration compressors, is not more than 10.176,
- (ii) any low-pressure stationary plant of not more than 400 Therm-hours,
- (iii) any steam-powered plant,
- (iv) any refrigeration plant of not more than 20.352 Therm-hours,
- (v) any compressor plant,
- (vi) any plant referred to in subclause ii or iii whose total Therm-hour rating includes the Therm-hour rating of refrigeration compressors of not more than 15.264 or the Therm-hour rating of compressors, including any refrigeration compressors, of not more than 30.528 Therm-hours;

(c) to act as assistant shift engineer in,

- (i) any stationary power plant of not more than 400 Therm-hours;
- (ii) any low-pressure stationary plant, steam-powered plant, refrigeration plant or compressor plant.

(2) A person holding a stationary engineer's (third class) certificate of qualification is qualified, Idem,
stationary
engineers
(3rd class)

(a) to act as chief operating engineer in charge of,

- (i) any stationary power plant of not more than 134 Therm-hours where the Therm-hour rating of refrigeration compressors is not more than 5.088 and the Therm-hour rating of compressors, including any refrigeration compressors, is not more than 10.176.
- (ii) any low-pressure stationary plant of not more than 400 Therm-hours,
- (iii) any steam-powered plant,
- (iv) any refrigeration plant of not more than 20.352 Therm-hours,
- (v) any compressor plant,
- (vi) any plant referred to in subclause ii or iii whose total Therm-hour rating includes the Therm-hour rating of refrigeration compressors of not more than 15.264 Therm-hours or the Therm-hour rating of compressors, including any refrigeration compressors, of not more than 30.528 Therm-hours;

(b) to act as shift engineer in,

- (i) any stationary power plant of not more than 400 Therm-hours that includes the Therm-hour rating of refrigeration compressors of not more than 15.264 Therm-hours or the Therm-hour rating of compressors, including any refrigeration compressors, of not more than 30.528,
- (ii) any low-pressure stationary plant, steam-powered plant, compressor or refrigeration plant;

(c) to act as assistant shift engineer in any plant.

Idem,
stationary
engineers
(2nd class)

(3) A person holding a stationary engineer's (second class) certificate of qualification is qualified,

(a) to act as chief operating engineer in charge of,

(i) a stationary power plant of not more than 400 Therm-hours that includes the Therm-hour rating of refrigeration compressors of not more than 15.264 Therm-hours or the Therm-hour rating of compressors, including any refrigeration compressors, of not more than 30.528 Therm-hours,

(ii) any low-pressure stationary plant, steam-powered plant, compressor or refrigeration plant;

(b) to act as shift engineer in any plant.

Idem,
stationary
engineers
(1st class)

(4) A person holding a stationary engineer's (first class) certificate of qualification is qualified to act as chief operating engineer in charge of any plant.

Idem,
compressor
operators

(5) A person holding a compressor operator's certificate of qualification is qualified to act as a chief or shift operator in any compressor plant whose prime mover is not a steam engine or steam turbine.

Idem,
refrigeration
operators
(class B)

(6) A person holding a refrigeration operator's (class B) certificate of qualification is qualified,

(a) to act as chief operator in a refrigeration plant of not more than 20.352 Therm-hours or in any compressor plant whose prime mover is not a steam engine or steam turbine;

(b) to act as a shift operator in any refrigeration or compressor plant whose prime mover is not a steam engine or steam turbine.

Idem,
refrigeration
operators
(class A)

(7) A person holding a refrigeration operator's (class A) certificate of qualification is qualified to act as chief or shift operator in any compressor or refrigeration plant whose prime mover is not a steam engine or steam turbine.

Idem,
steam
hoisting
engineers

(8) A person holding a steam hoisting engineer's certificate of qualification is qualified to operate any steam hoisting plant or hoisting plant.

(9) A person holding a hoisting engineer's certificate of qualification is qualified to operate any hoisting plant or portable compressor plant whose prime mover is not a steam engine or steam turbine. Idem, hoisting engineers

(10) A person holding a certificate of qualification of any class of stationary engineer or of a steam hoisting engineer is qualified to operate a portable compressor plant, a temporary heating plant or a portable boiler used in connection with any portable machinery or a device for melting ice or snow. Idem, stationary engineers, steam hoisting engineers

(11) A person holding a provisional certificate of qualification under section 23 is qualified to perform the same work and duties as an operating engineer or operator holding a corresponding certificate of qualification. R.S.O. 1960, c. 282, s. 11, *amended*. Idem, holders of provisional certificates

17. A person who is obtaining qualifying experience for his first certificate of qualification may not perform work in connection with the actual operation of a plant except under the personal direction and supervision of an operating engineer or operator. *New*. Trainees

18. Where a low-pressure stationary plant or stationary power plant has a compressor or a refrigeration compressor, the user of the plant may employ one or more compressor operators or one or more refrigeration operators, as the case may be, as shift operator or shift operators for the compressor. *New*. Shift operators for compressors in stationary plants

19. Where an operating engineer or operator is absent from his plant due to sickness or while on holidays, an operating engineer or operator holding a certificate not more than one class lower than the certificate of the operating engineer or operator who is absent may during the absence operate the plant for not more than thirty days per year or such greater number of days per year as the chief officer may authorize in writing in any particular case. R.S.O. 1960, c. 282, s. 13, *amended*. Absence due to sickness or holidays

20. While a plant is in operation, an operating engineer or an operator qualified to be in charge of such a plant shall be present in its boiler room, compressor room or engine room, as the case may be, or, where it is not enclosed, he shall be present in its immediate vicinity, Temporary absences

(a) unless an operating engineer or an operator holding a certificate of qualification that is not more than one class lower is present during his absence;

(b) unless his absence is authorized by the regulations,

and unless, in either case, he is satisfied at the time of his leaving the plant that it is operating safely. R.S.O. 1960, c. 282, s. 14, *amended*.

Increase in
Therm-hour
rating

21. Where a plant has been operated by an operating engineer or operator in compliance with this Act and the regulations and the Therm-hour rating of the plant is increased so that the operating engineer or operator, as the case may be, is no longer qualified to operate the plant and he has operated the plant continuously for three consecutive years immediately before the increase, he may continue to operate the plant for such period and under such terms and conditions as the regulations prescribe. R.S.O. 1960, c. 282, s. 26, *amended*.

Certificates
of quali-
fication

22.—(1) The Board shall issue, in accordance with the regulations, a certificate of qualification to any person who,

- (a) shows proof satisfactory to the Board of the experience required by the regulations; and
- (b) passes the examinations conducted by the Board; and
- (c) pays the prescribed fee. R.S.O. 1960, c. 282, ss. 20 (1), 21, *amended*.

Term

(2) Every certificate of qualification, except a provisional certificate of qualification, remains in force during the calendar year in which it is issued and until the date of renewal or the 31st day of January in the following year, whichever occurs first, unless it is sooner suspended or cancelled. R.S.O. 1960, c. 282, s. 24 (1), *amended*.

Provisional
certificates
of quali-
fication

23.—(1) The Board may, upon payment of the prescribed fee and in accordance with the regulations, issue a provisional certificate of qualification without examination to any person who, in the opinion of the Board, holds a subsisting certificate issued by another province of Canada that qualifies the person to perform the work and duties of an operating engineer or operator in such province.

Idem

(2) A provisional certificate under subsection 1 shall be one grade lower than the certificate of qualification that, in the opinion of the Board, corresponds to the certificate issued by the other province. R.S.O. 1960, c. 282, s. 20 (2, 3), *amended*.

Term

(3) Every provisional certificate of qualification remains in force for one year from the date of issue, unless sooner suspended or cancelled, and is not renewable. R.S.O. 1960, c. 282, s. 25, *amended*.

Cancellation
or
suspension
of certi-
ficate of
qualification

24.—(1) The Board may cancel or suspend a certificate of qualification if the operating engineer or operator,

- (a) is habitually intemperate in his use of alcoholic beverages or is addicted to the use of drugs;
- (b) operates a plant when his ability to do so is impaired by alcohol or a drug;
- (c) is declared to be mentally incompetent or becomes physically incapable of safely performing his duties;
- (d) is incompetent or negligent in the discharge of his duties as an operating engineer or operator;
- (e) has obtained his certificate through misrepresentation or fraud;
- (f) maliciously destroys his employer's property;
- (g) allows another person to operate under his certificate;
- (h) attempts to obtain a certificate by false means for another person;
- (i) fails to give the notice required by section 28;
- (j) leaves the employ of his employer without having given his employer at least seven days' notice in writing of his intention to leave;
- (k) furnishes information for the use of the Board respecting an applicant for a certificate without knowing that the information is true; or
- (l) contravenes any of the provisions of this Act or the regulations. R.S.O. 1960, c. 282, s. 23, *amended*.

(2) No certificate of qualification shall be cancelled or suspended by the Board unless the Board first gives the holder of the certificate and his counsel, if any, and any other person having knowledge of the matter an opportunity to be heard. Hearings

(3) For the purposes of a hearing under this section, the chairman of the Board has all the powers that may be conferred upon a commissioner under *The Public Inquiries Act*. Powers
R.S.O. 1960,
c. 323
New.

25.—(1) Any person who deems himself aggrieved by any decision of the Board or of the chief officer may, within ten days after the decision comes to his notice, appeal in writing from the decision to the Minister who shall, upon notice to all interested parties, hear the appeal and affirm, rescind or vary the decision. Appeals

- Idem** (2) The making of an appeal under this section does not affect the operation of the decision pending the disposition of the appeal by the Minister. R.S.O. 1960, c. 282, s. 29, *amended*.
- Posting of certificates** **26.** Every certificate of qualification shall at all times be displayed conspicuously in the engine room, compressor room or boiler room of the plant in which the holder thereof works, except in the case of a steam hoisting plant or a hoisting plant, in which case the certificate shall be carried upon the person of the holder. R.S.O. 1960, c. 282, s. 27, *amended*.
- Duplicate certificates** **27.** Where a certificate has been lost or destroyed, the Board or the chief officer, as the case may be, on payment of the prescribed fee, shall issue a duplicate certificate. R.S.O. 1960, c. 282, s. 22, *amended*.
- Duty to notify of absence** **28.** Every operating engineer or operator who,
 (a) knows that he will be absent from his duties; or
 (b) is unable to commence or continue his duties,
 shall immediately make every reasonable effort in the circumstances to so notify his chief operating engineer or chief operator or shift engineer or shift operator, or, if none, his employer. R.S.O. 1960, c. 282, s. 28, *amended*.
- Prohibitions, operation by other than operating engineer or operator** **29.—**(1) No person other than an operating engineer who holds a certificate of qualification shall perform the work and duties of an operating engineer, and no person other than an operating engineer or operator who holds a certificate of qualification shall perform the work and duties of an operator. R.S.O. 1960, c. 282, s. 16, *amended*.
- Employment of un-qualified persons prohibited** (2) No person shall employ,
 (a) any person who is not an operating engineer to perform the work and duties of an operating engineer or operator, or any person who is not an operator to perform the work and duties of an operator; or
 (b) any operating engineer or operator to operate a plant that he is not qualified under this Act to operate. R.S.O. 1960, c. 282, s. 18, *amended*.
- Work prohibited, unless qualified therefor** (3) No operating engineer or operator shall perform any work or duties of an operating engineer or operator that he is not qualified under this Act to perform. R.S.O. 1960, c. 282, s. 17, *amended*.

30. No person shall use or operate a plant or cause a plant to be used or operated except in accordance with this Act and the regulations. *New.* ^{Operation of plants}

31.—(1) Every person who contravenes or fails to comply with any of the provisions of this Act or the regulations, or hinders or obstructs any person in the performance of his duties under this Act or the regulations, is guilty of an offence against this Act and on summary conviction is liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than twelve months, or to both. R.S.O. 1960, c. 282, s. 30, *amended.* ^{Offences}

(2) Where the circumstances constituting an offence against this Act continue from day to day and an information has been laid in respect of the offence, the offence shall be deemed to have been repeated on each day the circumstances continue. *New.* ^{Continuing offence}

32.—(1) The Lieutenant Governor in Council may appoint a board of review consisting of a chairman and equal numbers of representatives of plant users and operating engineers, ^{Board of review}

- (a) to advise the Minister as to the effectiveness of the Act and regulations in ensuring safety in connection with the operation of plants;
- (b) to evaluate and advise the Minister as to equipment and operating procedures in ensuring safety in connection with the operation of plants;
- (c) to advise the Minister, management and labour in connection with the training and employment of operating engineers and operators.

(2) The Lieutenant Governor in Council may fix the terms of office and the remuneration of the members of the board of review. ^{Term of office and remuneration}

(3) The Lieutenant Governor in Council may fill any vacancy in the membership of the board of review. ^{Vacancies}

(4) The board of review is responsible to the Minister. ^{Responsible to Minister}
New.

33. The Lieutenant Governor in Council may make regulations, ^{Regulations}

- (a) prescribing the qualifications of members of the Board and of inspectors;

- (b) prescribing the qualifications of applicants for certificates of qualification and provisional certificates of qualification and the evidence required to be furnished by such applicants as to previous training and experience;
- (c) prescribing courses of training or study for applicants for certificates of qualification;
- (d) prescribing the powers and duties of chief operating engineers, chief operators, shift engineers and shift operators;
- (e) prescribing the conditions of re-examination of applicants for certificates of qualification who have failed to pass the examinations required by the Board;
- (f) providing for the issue, renewal and re-instatement of certificates of qualification and for the issue of provisional certificates of qualification;
- (g) prescribing the method of establishing the Therm-hour ratings of internal combustion engines, or any class thereof, not specified in the Act;
- (h) classifying plants and exempting any class from any provision of this Act or the regulations;
- (i) respecting the operation of plants or any class of plants;
- (j) providing for the isolation of boilers and compressors by means of seals or otherwise;
- (k) authorizing and prescribing the circumstances and periods of absence for the purposes of section 20;
- (l) prescribing the periods during which and the terms and conditions upon which operating engineers and operators may continue to operate plants whose Therm-hour rating has been increased;
- (m) prescribing forms and providing for their use;
- (n) providing for and prescribing fees;
- (o) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1960, c. 282, s. 31, *amended*.

34.—(1) Every certificate of registration that was issued under *The Operating Engineers Act*, being chapter 282 of the Revised Statutes of Ontario, 1960, and that was in force on the day this Act came into force shall be deemed to be a certificate of registration issued under this Act, and it remains in force until the chief officer withdraws it. Transitional certificates of registration

(2) Every certificate of qualification that was issued under *The Operating Engineers Act*, being chapter 282 of the Revised Statutes of Ontario, 1960, and that was in force on the day this Act came into force shall be deemed to be a certificate of qualification issued under this Act. Idem, certificates of qualification

(3) Every provisional certificate of qualification that was issued under *The Operating Engineers Act*, being chapter 282 of the Revised Statutes of Ontario, 1960, and that was in force on the day this Act came into force shall be deemed to be a provisional certificate of qualification issued under this Act. Idem, provisional certificates of qualification

35. *The Operating Engineers Act* is repealed.

R.S.O. 1960,
c. 282,
repealed

36. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commence-
ment

37. This Act may be cited as *The Operating Engineers Act*, 1965. Short title

1st Reading

February 24th, 1965

2nd Reading

March 2nd, 1965

3rd Reading

April 14th, 1965

MR. ROWNTREE

BILL 36

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Judicature Act

MR. WISHART

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

EXPLANATORY NOTES

SECTION 1. This amendment increases the number of judges of the High Court of Justice of Ontario from 22 to 24.

SECTION 2. The subsection is re-enacted in order to provide for cases where judges retire having reached the maximum age now permitted by the *Judges Act* (Canada).

SECTION 3. At the present time, there is an appeal from a referee's report to a judge of the Supreme Court and an appeal from him to the Court of Appeal.

The effect of this amendment is to abolish the first appeal in cases where the whole action has been referred to a referee, so that in these cases the appeal will go directly to the Court of Appeal.

SECTION 4. These amendments: (1) provide for the appointment of a second Deputy Official Guardian; (2) abolish the 10 years-at-Bar qualification for the office of Deputy Official Guardian; and (3) provide for the carrying on *pro tem* of the office of Official Guardian whenever that office becomes vacant.

BILL 36

1965

An Act to amend The Judicature Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 5 of *The Judicature Act*, as amended by section 1 of *The Judicature Amendment Act, 1961-62*, is further amended by striking out "twenty-two" in the amendment of 1961-62 and inserting in lieu thereof "twenty-four". R.S.O. 1960,
c. 197, s. 5,
subs. 1,
amended

2. Subsection 1 of section 9 of *The Judicature Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 197, s. 9,
subs. 1,
re-enacted

- (1) Where a judge resigns his office or is appointed to any other court or ceases to hold office by reason of his having attained the age of seventy-five years, he may at any time within eight weeks after such event give judgment in any cause, action or matter previously tried by or heard before him, as if he had continued in office. Judgment
after
leaving
office

3. Section 72 of *The Judicature Act* is amended by adding at the end thereof "except that, where a whole action has been referred under section 69, the appeal from the report lies direct to the Court of Appeal", so that the section shall read as follows: R.S.O. 1960,
c. 197, s. 72,
amended

72. The referee shall make his findings and embody his conclusions in the form of a report, and his report shall be subject to all the incidents of a report of a master on a reference as regards filing, confirmation, appealing therefrom, motions thereupon and otherwise, including appeals to the Court of Appeal, except that, where a whole action has been referred under section 69, the appeal from the report lies direct to the Court of Appeal. Referee's
report

4. Subsections 9 and 10 of section 105 of *The Judicature Act* are repealed and the following substituted therefor: R.S.O. 1960,
c. 197, s. 105,
subss. 9, 10,
re-enacted

Deputy or
deputies

- (9) The Lieutenant Governor in Council may appoint one or two persons to act as the deputy or the deputies, as the case may be, of the Official Guardian during his absence or illness, and while so acting each such deputy has all the powers and may perform any of the duties of the Official Guardian.

When
Attorney
General
to act

- (10) If the office of Official Guardian becomes vacant, the Attorney General is *ex officio* Official Guardian until another appointment is made.

R.S.O. 1960,
c. 197, s. 111,
subs. 1,
amended

- 5.—(1) Subsection 1 of section 111 of *The Judicature Act*, as amended by section 3 of *The Judicature Amendment Act, 1961-62*, is further amended by striking out "and" at the end of clause *d*, by adding "and" at the end of clause *e* and by adding thereto the following clause:

- (f) such other barristers or solicitors, not exceeding three at any one time, as may be appointed by the Chief Justice of Ontario.

R.S.O. 1960,
c. 197, s. 111,
amended

- (2) The said section 111 is amended by adding thereto the following subsection:

Idem

- (4a) Each of the members of the Rules Committee appointed under clause *f* of subsection 1 shall hold office for a period of one year and is eligible for reappointment.

R.S.O. 1960,
c. 197, s. 111,
subs. 5,
amended

- (3) Subsection 5 of the said section 111 is amended by striking out "or *e*" in the second line and inserting in lieu thereof "*e* or *f*", so that the subsection shall read as follows:

Vacancy
in office

- (5) In case of the resignation, death or inability to act of any member appointed under clause *a*, *b*, *e* or *f* of subsection 1, the Chief Justice of Ontario, Attorney General or Benchers of the Law Society of Upper Canada, as the case may be, may appoint another member similarly qualified to hold office for the unexpired portion of the term of the member who has resigned or died or is unable to act.

Commence-
ment

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. This Act may be cited as *The Judicature Amendment Act, 1965*.

SECTION 5. These amendments will permit the Rules Committee to function better by authorizing the appointment of lawyers who are experts in a particular field being studied by the Committee.

1st Reading

February 24th, 1965

2nd Reading

3rd Reading

MR. WISHART

BILL 36

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Judicature Act

MR. WISHART

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

An Act to amend The Judicature Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 5 of *The Judicature Act*, as amended by section 1 of *The Judicature Amendment Act, 1961-62*, is further amended by striking out "twenty-two" in the amendment of 1961-62 and inserting in lieu thereof "twenty-four". R.S.O. 1960,
c. 197, s. 5,
subs. 1,
amended

2. Subsection 1 of section 9 of *The Judicature Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 197, s. 9,
subs. 1,
re-enacted

- (1) Where a judge resigns his office or is appointed to any other court or ceases to hold office by reason of his having attained the age of seventy-five years, he may at any time within eight weeks after such event give judgment in any cause, action or matter previously tried by or heard before him, as if he had continued in office. Judgment
after
leaving
office

3. Section 72 of *The Judicature Act* is amended by adding at the end thereof "except that, where a whole action has been referred under section 69, the appeal from the report lies direct to the Court of Appeal", so that the section shall read as follows: R.S.O. 1960,
c. 197, s. 72,
amended

72. The referee shall make his findings and embody his conclusions in the form of a report, and his report shall be subject to all the incidents of a report of a master on a reference as regards filing, confirmation, appealing therefrom, motions thereupon and otherwise, including appeals to the Court of Appeal, except that, where a whole action has been referred under section 69, the appeal from the report lies direct to the Court of Appeal. Referee's
report

4. Subsections 9 and 10 of section 105 of *The Judicature Act* are repealed and the following substituted therefor: R.S.O. 1960,
c. 197, s. 105,
subss. 9, 10,
re-enacted

Deputy or
deputies

- (9) The Lieutenant Governor in Council may appoint one or two persons to act as the deputy or the deputies, as the case may be, of the Official Guardian during his absence or illness, and while so acting each such deputy has all the powers and may perform any of the duties of the Official Guardian.

When
Attorney
General
to act

- (10) If the office of Official Guardian becomes vacant, the Attorney General is *ex officio* Official Guardian until another appointment is made.

R.S.O. 1960,
c. 197, s. 111,
subs. 1,
amended

- 5.**—(1) Subsection 1 of section 111 of *The Judicature Act*, as amended by section 3 of *The Judicature Amendment Act, 1961-62*, is further amended by striking out "and" at the end of clause *d*, by adding "and" at the end of clause *e* and by adding thereto the following clause:

- (f) such other barristers or solicitors, not exceeding three at any one time, as may be appointed by the Chief Justice of Ontario.

R.S.O. 1960,
c. 197, s. 111,
amended

- (2) The said section 111 is amended by adding thereto the following subsection:

Idem

- (4a) Each of the members of the Rules Committee appointed under clause *f* of subsection 1 shall hold office for a period of one year and is eligible for reappointment.

R.S.O. 1960,
c. 197, s. 111,
subs. 5,
amended

- (3) Subsection 5 of the said section 111 is amended by striking out "or *e*" in the second line and inserting in lieu thereof "*e* or *f*", so that the subsection shall read as follows:

Vacancy
in office

- (5) In case of the resignation, death or inability to act of any member appointed under clause *a*, *b*, *e* or *f* of subsection 1, the Chief Justice of Ontario, Attorney General or Benchers of the Law Society of Upper Canada, as the case may be, may appoint another member similarly qualified to hold office for the unexpired portion of the term of the member who has resigned or died or is unable to act.

Commence-
ment

- 6.** This Act comes into force on the day it receives Royal Assent.

Short title

- 7.** This Act may be cited as *The Judicature Amendment Act, 1965*.

The first section of the report deals with the general situation of the country and the progress of the work during the year. It is divided into two parts, the first of which deals with the general situation and the second with the progress of the work.

The second section of the report deals with the progress of the work during the year. It is divided into two parts, the first of which deals with the progress of the work and the second with the results of the work.

The third section of the report deals with the results of the work during the year. It is divided into two parts, the first of which deals with the results of the work and the second with the conclusions of the work.

The fourth section of the report deals with the conclusions of the work during the year. It is divided into two parts, the first of which deals with the conclusions of the work and the second with the recommendations of the work.

The fifth section of the report deals with the recommendations of the work during the year. It is divided into two parts, the first of which deals with the recommendations of the work and the second with the conclusions of the work.

The sixth section of the report deals with the conclusions of the work during the year. It is divided into two parts, the first of which deals with the conclusions of the work and the second with the recommendations of the work.

The seventh section of the report deals with the recommendations of the work during the year. It is divided into two parts, the first of which deals with the recommendations of the work and the second with the conclusions of the work.

The eighth section of the report deals with the conclusions of the work during the year. It is divided into two parts, the first of which deals with the conclusions of the work and the second with the recommendations of the work.

The ninth section of the report deals with the recommendations of the work during the year. It is divided into two parts, the first of which deals with the recommendations of the work and the second with the conclusions of the work.

The tenth section of the report deals with the conclusions of the work during the year. It is divided into two parts, the first of which deals with the conclusions of the work and the second with the recommendations of the work.

1st Reading

February 24th, 1965

2nd Reading

March 5th, 1965

3rd Reading

April 2nd, 1965

MR. WISHART

BILL 37

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Lord's Day (Ontario) Act, 1960-61

MR. WISHART

Section 111 of the Act is amended to read as follows:

111. (1) Where a municipality has passed a by-law under the Act, the municipality may, if it so desires, cause the by-law to be printed and distributed to the ratepayers of the municipality.

EXPLANATORY NOTE

The amendment authorizes municipalities to provide for the enforcement of the regulating provisions of by-laws passed under the Act in accordance with the provisions of Part XXI of *The Municipal Act*.

— 111 —

BILL 37

1965

**An Act to amend
The Lord's Day (Ontario) Act, 1960-61**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *The Lord's Day (Ontario) Act, 1960-61* is ^{1960-61,} amended by adding thereto the following subsection: ^{c. 50, s. 4,} amended

(2) Part XXI of *The Municipal Act* applies to by-laws ^{Application} passed under subsection 1. ^{of} ^{R.S.O. 1960,} ^{c. 249,} ^{Pt. XXI}

2. This Act shall be deemed to have come into force on the ^{Commence-} 1st day of January, 1965. ^{ment}

3. This Act may be cited as *The Lord's Day (Ontario)* ^{Short title} *Amendment Act, 1965.*

An Act to amend
The Lord's Day (Ontario) Act, 1960-61

1st Reading

February 24th, 1965

2nd Reading

3rd Reading

MR. WISHART

BILL 37

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Lord's Day (Ontario) Act, 1960-61

MR. WISHART

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

BILL 37

1965

**An Act to amend
The Lord's Day (Ontario) Act, 1960-61**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *The Lord's Day (Ontario) Act, 1960-61* is amended by adding thereto the following subsection: 1960-61,
c. 50, s. 4,
amended

(2) Part XXI of *The Municipal Act* applies to by-laws passed under subsection 1. Application
of
R.S.O. 1960,
c. 249,
Pt. XXI

2. This Act shall be deemed to have come into force on the 1st day of January, 1965. Commence-
ment

3. This Act may be cited as *The Lord's Day (Ontario) Amendment Act, 1965*. Short title

An Act to amend
The Lord's Day (Ontario) Act, 1960-61

1st Reading

February 24th, 1965

2nd Reading

March 5th, 1965

3rd Reading

April 2nd, 1965

MR. WISHART

BILL 38

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Boundaries Act

MR. WISHART

EXPLANATORY NOTES

SECTION 1. The definition of "parcel" is amended to include easements and rights of way.

SECTION 2. The provisions repealed provide for the functioning of the deputy director. The provisions are redundant as the matter is covered by section 7 of *The Land Titles Act*.

SECTION 3. The amendment permits an applicant to include in his application a request for a survey.

An Act to amend The Boundaries Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *g* of section 1 of *The Boundaries Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 38, s. 1,
cl. *g*,
re-enacted

(*g*) "parcel" means a lot, block, easement, right of way or other area into which land is divided.

2. Subsections 2 and 3 of section 2 of *The Boundaries Act* are repealed.

R.S.O. 1960,
c. 38, s. 2,
subss. 2, 3,
repealed

3. Subsection 1 of section 5 of *The Boundaries Act*, as re-enacted by section 3 of *The Boundaries Amendment Act, 1961-62*, is amended by inserting after "confirmed" in the fourteenth line "or surveyed and confirmed", so that the subsection shall read as follows:

R.S.O. 1960,
c. 38, s. 5
(1961-62,
c. 9, s. 3),
subs. 1,
amended

(1) Where,

Application
for con-
firmation
of survey

- (*a*) an error appears in or a doubt exists as to the accuracy of a survey or plan of a parcel or as to the true location of any of its boundaries;
- (*b*) a difference exists or is thought to exist between the occupational boundaries of a parcel and the boundaries as shown on a registered plan of subdivision or other plan or in the description in the instrument under which the parcel is held or in the title register; or
- (*c*) the boundaries of a parcel are not shown on a registered plan of subdivision,

an application to the director to have the boundaries confirmed or surveyed and confirmed under this Act may be made by,

- (d) the owner of the parcel;
- (e) the council of the municipality in which the parcel is situate;
- (f) the Minister of Highways;
- (g) the Inspector of Legal Offices;
- (h) the proper master of titles;
- (i) the Surveyor General under *The Public Lands Act*;
- (j) the Surveyor General under the *Canada Lands Surveys Act*; or
- (k) with the consent of the owner of the parcel, an Ontario land surveyor.

R.S.O. 1960,
c. 324

R.S.C. 1952,
c. 26

R.S.O. 1960,
c. 38, s. 7
(1961-62,
c. 9, s. 3),
amended

4. Section 7 of *The Boundaries Act*, as re-enacted by section 3 of *The Boundaries Amendment Act, 1961-62*, is amended by inserting after "may" in the third line "initiate proceedings under this Act and may", so that the section shall read as follows:

Where
director
may
initiate
proceedings

7. The director of his own accord, upon finding any of the conditions prescribed in section 5 to exist in respect of any parcel, may initiate proceedings under this Act and may engage a surveyor to make a survey and plan of the parcel or to do such additional survey work as the director requires.

R.S.O. 1960,
c. 38, s. 17
(1961-62,
c. 9, s. 6),
subs. 2,
amended

5.—(1) Subsection 2 of section 17 of *The Boundaries Act*, as re-enacted by section 6 of *The Boundaries Amendment Act, 1961-62*, is amended by striking out "confirmed boundary or which is within or partly within a block outline survey or complete survey" in the fifth, sixth and seventh lines and inserting in lieu thereof "boundary", so that the subsection shall read as follows:

Idem

- (2) Upon receipt of the plan or copy for registration, the proper master of titles or registrar shall register the plan and shall make an entry in red ink in the title register or abstract index for each parcel which adjoins a boundary which has been confirmed, setting out the registration number of the plan, the date of registration, the number assigned to the plan by the director, the entry "Plan under *The Boundaries Act*", and a brief statement of the effect of the plan.

SECTION 4. The amendment permits the director to initiate proceedings to settle boundaries where no other applicant applies.

SECTION 5—Subsection 1. The requirement that a plan confirming boundaries be entered on the abstract index for each parcel within the boundaries but not touching them is dispensed with.

Subsection 2. Complementary to subsection 1.

SECTION 6. The amendment authorizes regulations governing standards and procedures for surveys and plans under the Act.

(2) Subsection 4 of the said section 17 is repealed and the following substituted therefor:

R.S.O. 1960,
c. 38, s. 17
(1961-62,
c. 9, s. 6),
subs. 4,
re-enacted

(4) Where a plan confirmed and certified under this Act has been registered, an instrument which affects any parcel that adjoins a confirmed boundary shall not be registered unless the description of the land in the instrument conforms and refers to the plan or unless, where the instrument is to be registered under *The Land Titles Act*, the director or, where the instrument is to be registered under *The Registry Act*, the Inspector of Legal Offices, under special circumstances, deems it proper to authorize the registration.

Subsequent
instruments
must
conform to
plan

R.S.O. 1960,
cc. 204, 348

6. Section 21 of *The Boundaries Act* is amended by adding thereto the following clause:

R.S.O. 1960,
c. 38, s. 21,
amended

(ca) governing standards and procedures for surveys and plans under this Act.

7. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

8. This Act may be cited as *The Boundaries Amendment Act, 1965*.

Short title

An Act to amend The Boundaries Act

1st Reading

February 24th, 1965

2nd Reading

3rd Reading

MR. WISHART

BILL 38

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Boundaries Act

MR. WISHART

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Received of the Treasurer of the County of ...
the sum of ...

for ...

[Faint handwritten signature or text]

BILL 38

1965

An Act to amend The Boundaries Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause g of section 1 of *The Boundaries Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 38, s. 1,
cl. g,
re-enacted

(g) "parcel" means a lot, block, easement, right of way or other area into which land is divided.

2. Subsections 2 and 3 of section 2 of *The Boundaries Act* are repealed. R.S.O. 1960,
c. 38, s. 2,
subs. 2, 3,
repealed

3. Subsection 1 of section 5 of *The Boundaries Act*, as re-enacted by section 3 of *The Boundaries Amendment Act, 1961-62*, is amended by inserting after "confirmed" in the fourteenth line "or surveyed and confirmed", so that the subsection shall read as follows: R.S.O. 1960,
c. 38, s. 5
(1961-62,
c. 9, s. 3),
subs. 1,
amended

(1) Where,

Application
for con-
firmation
of survey

- (a) an error appears in or a doubt exists as to the accuracy of a survey or plan of a parcel or as to the true location of any of its boundaries;
- (b) a difference exists or is thought to exist between the occupational boundaries of a parcel and the boundaries as shown on a registered plan of subdivision or other plan or in the description in the instrument under which the parcel is held or in the title register; or
- (c) the boundaries of a parcel are not shown on a registered plan of subdivision,

an application to the director to have the boundaries confirmed or surveyed and confirmed under this Act may be made by,

- (d) the owner of the parcel;
- (e) the council of the municipality in which the parcel is situate;
- (f) the Minister of Highways;
- (g) the Inspector of Legal Offices;
- (h) the proper master of titles;
- (i) the Surveyor General under *The Public Lands Act*;
- (j) the Surveyor General under the *Canada Lands Surveys Act*; or
- (k) with the consent of the owner of the parcel, an Ontario land surveyor.

R.S.O. 1960,
c. 324

R.S.C. 1952,
c. 26

R.S.O. 1960,
c. 38, s. 7
(1961-62,
c. 9, s. 3),
amended

4. Section 7 of *The Boundaries Act*, as re-enacted by section 3 of *The Boundaries Amendment Act, 1961-62*, is amended by inserting after "may" in the third line "initiate proceedings under this Act and may", so that the section shall read as follows:

Where
director
may
initiate
proceedings

7. The director of his own accord, upon finding any of the conditions prescribed in section 5 to exist in respect of any parcel, may initiate proceedings under this Act and may engage a surveyor to make a survey and plan of the parcel or to do such additional survey work as the director requires.

R.S.O. 1960,
c. 38, s. 17
(1961-62,
c. 9, s. 6),
subs. 2,
amended

5.—(1) Subsection 2 of section 17 of *The Boundaries Act*, as re-enacted by section 6 of *The Boundaries Amendment Act, 1961-62*, is amended by striking out "confirmed boundary or which is within or partly within a block outline survey or complete survey" in the fifth, sixth and seventh lines and inserting in lieu thereof "boundary", so that the subsection shall read as follows:

Idem

- (2) Upon receipt of the plan or copy for registration, the proper master of titles or registrar shall register the plan and shall make an entry in red ink in the title register or abstract index for each parcel which adjoins a boundary which has been confirmed, setting out the registration number of the plan, the date of registration, the number assigned to the plan by the director, the entry "Plan under *The Boundaries Act*", and a brief statement of the effect of the plan.

(2) Subsection 4 of the said section 17 is repealed and the following substituted therefor:

R.S.O. 1960,
c. 38, s. 17
(1961-62,
c. 9, s. 6),
subs. 4,
re-enacted

(4) Where a plan confirmed and certified under this Act has been registered, an instrument which affects any parcel that adjoins a confirmed boundary shall not be registered unless the description of the land in the instrument conforms and refers to the plan or unless, where the instrument is to be registered under *The Land Titles Act*, the director or, where the instrument is to be registered under *The Registry Act*, the Inspector of Legal Offices, under special circumstances, deems it proper to authorize the registration.

Subsequent
instruments
must
conform to
plan

R.S.O. 1960,
cc. 204, 348

6. Section 21 of *The Boundaries Act* is amended by adding thereto the following clause:

R.S.O. 1960,
c. 38, s. 21,
amended

(ca) governing standards and procedures for surveys and plans under this Act.

7. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

8. This Act may be cited as *The Boundaries Amendment Act, 1965*.

Short title

An Act to amend The Boundaries Act

1st Reading

February 24th, 1965

2nd Reading

March 5th, 1965

3rd Reading

April 2nd, 1965

MR. WISHART

BILL 39

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Sheriffs Act

MR. WISHART

Approved and passed by the Council of the
County of ...

Witness my hand and the seal of the County of ...
this ... day of ... 19...

EXPLANATORY NOTE

The amendment provides for the appointment of the staff of a sheriff's office, bringing the Act in line with existing practice.

15112

BILL 39

1965

An Act to amend The Sheriffs Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Sheriffs Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 371, s. 1,
re-enacted

1.—(1) The Lieutenant Governor in Council may, by a commission under the Great Seal, appoint a sheriff for each county and district, and may appoint such persons to the staff of the sheriff's office as are deemed necessary and may fix their position specifications, salary ranges, and terms and conditions of employment. Appoint-
ment of
sheriff
and staff

(2) The Attorney General, or any public servant designated by him in writing for the purpose, may make temporary appointments to the staff of the registrar's office for a term not exceeding one year. Temporary
appoint-
ments

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Sheriffs Amendment Act*, Short title
1965.

An Act to amend The Sheriffs Act

1st Reading

February 24th, 1965

2nd Reading

3rd Reading

MR. WISHART

BILL 39

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Sheriffs Act

MR. WISHART

(Reprinted as amended by the Committee of the Whole House)

AMENDMENT TO THE ACT
OF 1911

1111

EXPLANATORY NOTE

The amendment provides for the appointment of the staff of a sheriff's office, bringing the Act in line with existing practice.

BILL 39

1965

An Act to amend The Sheriffs Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Sheriffs Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 371, s. 1, re-enacted

- 1.—(1) The Lieutenant Governor in Council may, by a commission under the Great Seal, appoint a sheriff for each county and district, and may appoint such persons to the staff of the sheriff's office as are deemed necessary and may fix their position specifications, salary ranges, and terms and conditions of employment. Appointment of sheriff and staff
- (2) The Attorney General, or any public servant designated by him in writing for the purpose, may make temporary appointments to the staff of the sheriff's office for a term not exceeding one year. Temporary appointments

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Sheriffs Amendment Act*, Short title 1965.

An Act to amend The Sheriffs Act

1st Reading

February 24th, 1965

2nd Reading

March 5th, 1965

3rd Reading

MR. WISHART

*(Reprinted as amended by the
Committee of the Whole House)*

BILL 39

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Sheriffs Act

MR. WISHART

1. *Staphylococcus aureus* (ATCC 12228) - *Staphylococcus aureus* (ATCC 12228) - *Staphylococcus aureus* (ATCC 12228)

2. *Staphylococcus aureus* (ATCC 12228) - *Staphylococcus aureus* (ATCC 12228) - *Staphylococcus aureus* (ATCC 12228)

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BILL 39

1965

An Act to amend The Sheriffs Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Sheriffs Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 371, s. 1, re-enacted

1.—(1) The Lieutenant Governor in Council may, by a commission under the Great Seal, appoint a sheriff for each county and district, and may appoint such persons to the staff of the sheriff's office as are deemed necessary and may fix their position specifications, salary ranges, and terms and conditions of employment. Appointment of sheriff and staff

(2) The Attorney General, or any public servant designated by him in writing for the purpose, may make temporary appointments to the staff of the sheriff's office for a term not exceeding one year. Temporary appointments

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Sheriff's Amendment Act*, Short title 1965.

1st Reading

February 24th, 1965

2nd Reading

March 5th, 1965

3rd Reading

April 2nd, 1965

MR. WISHART

BILL 40

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The County Courts Act

MR. WISHART

EXPLANATORY NOTE

The amendment provides for the appointment of the staff of a county court clerk's office, bringing the Act in line with existing practice.

BILL 40

1965

An Act to amend The County Courts Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The County Courts Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 76, s. 3,
re-enacted

3.—(1) The Lieutenant Governor in Council may appoint a clerk for each county court, and may appoint such persons to the staff of the clerk's office as are deemed necessary and may fix their position specifications, salary ranges, and terms and conditions of employment. Appoint-
ment of
clerk
and staff

(2) The Attorney General, or any public servant designated by him in writing for the purpose, may make temporary appointments to the staff of the clerk's office for a term not exceeding one year. Temporary
appoint-
ments

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The County Courts Amendment Act, 1965*. Short title

1st Reading

February 24th, 1965

2nd Reading

3rd Reading

MR. WISHART

BILL 40

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The County Courts Act

MR. WISHART

TORONTO

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BILL 40

1965

An Act to amend The County Courts Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The County Courts Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 76, s. 3,
re-enacted

3.—(1) The Lieutenant Governor in Council may appoint a clerk for each county court, and may appoint such persons to the staff of the clerk's office as are deemed necessary and may fix their position specifications, salary ranges, and terms and conditions of employment. Appoint-
ment of
clerk
and staff

(2) The Attorney General, or any public servant designated by him in writing for the purpose, may make temporary appointments to the staff of the clerk's office for a term not exceeding one year. Temporary
appoint-
ments

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The County Courts Amendment Act, 1965*. Short title

An Act to amend The County Courts Act

1st Reading

February 24th, 1965

2nd Reading

March 5th, 1965

3rd Reading

April 2nd, 1965

MR. WISHART

BILL 41

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to provide for the Settlement by Arbitration of Labour Disputes in Hospitals

MR. ROWNTREE

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

EXPLANATORY NOTE

This new Act will provide for the settlement by arbitration of disputes between trade unions representing hospital employees and their employers over the terms of collective agreements.

Strikes and lock-outs in such disputes are prohibited.

BILL 41

1965

An Act to provide for the Settlement by Arbitration of Labour Disputes in Hospitals

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act, Interpre-
tation

- (a) “hospital” means any hospital, sanitarium, sanatorium or other institution operated for the observation, care or treatment of persons afflicted with or suffering from any physical or mental illness, disease or injury or for the observation, care or treatment of convalescent or chronically ill persons, whether or not it is granted aid out of moneys appropriated by the Legislature and whether or not it is operated for private gain;
- (b) “hospital employee” means a person employed in the operation of a hospital;
- (c) “Minister” means the Minister of Labour;
- (d) “party” means the trade union that is the bargaining agent for a bargaining unit of hospital employees, on the one hand, or the employers of such employees, on the other hand, and “parties” means the two of them.

(2) Unless the contrary intention appears, expressions used in this Act have the same meaning as in *The Labour Relations Act*. Idem
R.S.O. 1960,
c. 202

2.—(1) This Act applies to any hospital employees to whom *The Labour Relations Act* applies, to the trade unions and councils of trade unions that act or purport to act for or on behalf of any such employees, and to the employers of such employees. Application
of Act

Application
of
R.S.O. 1960,
c. 202

(2) Except as modified by this Act, *The Labour Relations Act* applies to any hospital employees to whom this Act applies, to the trade unions and councils of trade unions that act or purport to act for or on behalf of any such employees, and to the employers of such employees.

Declarations
under
R.S.O. 1960,
c. 202, s. 89

(3) No declaration under section 89 of *The Labour Relations Act* may be made with respect to hospital employees to whom this Act applies, and any such declaration heretofore made ceases to have effect on the day on which this Act comes into force.

When
bargaining
must resume
under this
Act

3. Where the Minister has informed each of the parties under clause *b* of section 16 of *The Labour Relations Act* that he does not deem it advisable to appoint a conciliation board, or where the report of a conciliation board appointed under clause *a* of that section or of a mediator appointed under section 14 of that Act has been released by the Minister to each of the parties under subsection 5 of section 29 of that Act, and in either case a collective agreement has not been made, the parties shall meet forthwith and bargain in good faith and make every reasonable effort to make a collective agreement.

Arbitration

4.—(1) Subject to subsection 2, if the parties have not made a collective agreement within thirty-five days after the day on which the Minister informed the parties or released the report as mentioned in section 3, the matters in dispute between them shall be decided by arbitration in accordance with this Act.

Extension
of 35-day
period

(2) The parties by agreement in writing may extend the period of thirty-five days mentioned in subsection 1 for one or more further periods of time, not exceeding a total of ninety days, and thereafter any further extension may be made only with the consent of the Minister.

Appoint-
ment of
board of
arbitration

5.—(1) Within seven days after the period of thirty-five days mentioned in section 4 and any extension thereof has elapsed, each of the parties shall appoint to a board of arbitration a member who has indicated his willingness to act.

Third
member

(2) Within five days after the day on which the second of the members was appointed, the two members appointed by the parties shall appoint a third member who has indicated his willingness to act, and such third member shall be the chairman.

Failure
of party
to appoint
member

(3) Where a party fails to appoint a member of a board of arbitration within the period of seven days mentioned

in subsection 1, the Minister, upon the written request of either of the parties, shall appoint such member.

(4) Where the two members appointed by or on behalf of the parties fail within five days after the appointment of the second of them to agree upon the third member, the Minister shall, upon notice in writing of such failure given to him by either of them or by either of the parties, appoint a third member. Failure of members to appoint third member

(5) As soon as one of the parties appoints a member to a board of arbitration, it shall notify the other party and the Minister of the name and address of the member appointed. Notice of appointment by party

(6) When the three members have been appointed to a board of arbitration, it shall be presumed conclusively that it has been established in accordance with this Act, and no order shall be made or process entered or proceedings taken in any court, whether by way of injunction, declaratory judgment, *certiorari*, *mandamus*, prohibition, *quo warranto* or otherwise, to question the establishment of the board or the appointment of any of its members, or to review, prohibit or restrain any of its proceedings. Privative clause

(7) If a person ceases to be a member of a board of arbitration by reason of his resignation, death or otherwise before it has completed its work, the Minister shall appoint a member in his place after consulting the party whose point of view was represented by such person. Vacancies

(8) If, in the opinion of the Minister, a member of a board of arbitration has failed to enter on or to carry on his duties so as to enable it to render a decision within a reasonable time after its establishment, the Minister may appoint a member in his place after consulting the party whose point of view was represented by such person. Replacement of member

(9) If the chairman of a board of arbitration is unable to enter on or to carry on his duties so as to enable it to render a decision within a reasonable time after its establishment, the Minister may appoint a person to act as chairman in his place. Replacement of chairman

(10) Where a board of arbitration has been established and either of the parties complains to the Minister that the board has failed to render a decision within a reasonable time, the Minister may, after consulting the parties and the board, issue whatever order he deems necessary in the circumstances to ensure that a decision will be rendered without delay. Order to expedite proceedings

- Procedure (11) A board of arbitration shall determine its own procedure but shall give full opportunity to the parties to present their evidence and make their submissions.
- Idem (12) If the members of a board of arbitration are unable to agree among themselves on matters of procedure or as to the admissibility of evidence, the decision of the chairman governs.
- Decision (13) The decision of a majority of the members of a board of arbitration is the decision of the board, but, if there is no majority, the decision of the chairman is the decision of the board.
- Powers (14) The chairman and the other members of a board of arbitration established under this Act have, respectively, all the powers of a chairman and the members of a board of arbitration under *The Labour Relations Act*.
- R.S.O. 1960, c. 202
- Duty of board **6.**—(1) The board of arbitration shall examine into and decide on matters that are in dispute and any other matters that appear to the board necessary to be decided in order to conclude a collective agreement between the parties, but the board shall not decide any matters that come within the jurisdiction of the Ontario Labour Relations Board.
- Board to remain seized of matters (2) The board of arbitration shall remain seized of and may deal with all matters in dispute between the parties until a collective agreement is in effect between the parties.
- R.S.O. 1960, c. 18, not to apply (3) *The Arbitrations Act* does not apply to arbitrations under this Act.
- Where agreement reached **7.**—(1) Where, during the bargaining under this Act or during the proceedings before the board of arbitration, the parties agree on all the matters to be included in a collective agreement, they shall put them in writing and shall execute the document, and thereupon it constitutes a collective agreement under *The Labour Relations Act*.
- Where there is failure to make agreement (2) If the parties fail to put in writing the terms agreed upon by them, or if either of them fails to execute the document within seven days after it was executed by the other of them, they shall be deemed not to have made a collective agreement, and section 4 becomes applicable upon either party appointing a member of a board of arbitration and notifying the other party and the Minister of such appointment.
- Decision of arbitration board (3) Where during the bargaining under this Act or during the proceedings before the board of arbitration the parties have agreed upon some matters to be included in the collective

agreement and they have so notified the board in writing, the board's decision shall be confined to the matters not agreed upon by the parties and to such other matters that appear to the board necessary to be decided to conclude a collective agreement, and, if, following the rendering of the decision, the parties fail to agree on the terms of a collective agreement within ten days after the release of the decision or within such longer period as may be agreed upon by the parties, the board shall prepare a collective agreement giving effect to the agreement of the parties and its decision and shall submit the document to the parties for execution.

(4) Where the parties have not notified the board in writing ^{Idem} that, during the bargaining under this Act or during the proceedings before the board of arbitration, they have agreed upon some matters to be included in the collective agreement, the board shall decide all matters in dispute between the parties and such other matters that appear to the board necessary to be decided to conclude a collective agreement, and shall prepare a collective agreement giving effect to its decision and shall submit the document to the parties for execution.

(5) The board of arbitration shall, in its decision, fix the ^{Idem} time within which the parties shall execute the document.

(6) If the parties or either of them fail to execute the ^{Failure to execute agreement} document within such time as is fixed by the decision, the board may order that the document be in effect as though it had been executed by the parties, and the document thereupon constitutes a collective agreement under *The Labour Relations Act*, effective from the day upon which the order was made. ^{R.S.O. 1960, c. 202}

(7) Except where the parties agree to a longer term of ^{Term of agreement} operation, a collective agreement made under this Act remains in force for one year from the day the agreement was executed or ordered to be in effect under subsection 6, as the case may be.

(8) Notwithstanding subsection 7, the board of arbitration ^{Idem} may provide,

- (a) where notice was given under section 11 of *The Labour Relations Act*, that the agreement or any of its terms shall be retroactive to such day as the board may fix but not earlier than the day upon which such notice was given; or

R.S.O. 1960,
c. 202

- (b) where notice was given under section 40 of *The Labour Relations Act*, that the agreement or any of its terms shall be retroactive to such day as the board may fix but not earlier than the day upon which the previous agreement ceased to operate.

Strikes and
lock-outs
prohibited

8.—(1) Notwithstanding anything in *The Labour Relations Act*, no hospital employees to whom this Act applies shall strike and no employer of such employees shall lock them out.

Saving

(2) Nothing in this section prohibits any suspension or discontinuation for cause of the operations of a hospital or the quitting of employment for cause if the suspension, discontinuation or quitting does not constitute a lock-out or strike.

Unlawful
strike or
lock-out

(3) Sections 55, 56, 67 and 68 of *The Labour Relations Act* apply *mutatis mutandis* to a strike of hospital employees to whom this Act applies or to a lock-out by their employers.

Timeliness
of repre-
sentation
applications

9.—(1) Notwithstanding section 46 of *The Labour Relations Act*, where a trade union that has been certified as bargaining agent for a bargaining unit of employees of a hospital has given to the employer of such employees notice under section 11 of that Act and the Minister has appointed a conciliation officer or mediator, an application for a declaration that the trade union no longer represents the employees in the bargaining unit determined in the certificate may be made only in accordance with subsection 2 of section 43 of *The Labour Relations Act*.

Idem

(2) Notwithstanding section 46 of *The Labour Relations Act*, where notice has been given under section 40 of that Act by or to a trade union that is the bargaining agent for a bargaining unit of employees of a hospital to or by the employer of such employees and the Minister has appointed a conciliation officer or mediator, an application for certification of a bargaining agent of any of the employees of the hospital in the bargaining unit defined in the collective agreement or an application for a declaration that the trade union that was a party to the collective agreement no longer represents the employees in the bargaining unit defined in the agreement shall not be made after the day upon which the agreement ceased to operate or the day upon which the Minister appointed a conciliation officer or mediator, whichever is later, except in accordance with section 5 or subsection 2 of section 43 of *The Labour Relations Act*, as the case may be.

Working
conditions
may not be
altered

10. Notwithstanding subsection 1 of section 59 of *The Labour Relations Act*, where notice has been given under section 11 or 40 of that Act by or to a trade union that is

the bargaining agent for a bargaining unit of hospital employees to which this Act applies to or by the employer of such employees and no collective agreement is in operation, no such employer shall, except with the consent of the trade union, alter the rates of wages or any other term or condition of employment or any right, privilege or duty of the employer, the trade union or the employees, and no such trade union shall, except with the consent of the employer, alter any term or condition of employment or any right, privilege or duty of the employer, the trade union or the employees, until the right of the trade union to represent the employees has been terminated.

11. Except where inconsistent with this Act, sections 69, 70, 71, 72 and 74 of *The Labour Relations Act*, as amended or re-enacted from time to time, apply *mutatis mutandis* under this Act as if such sections were enacted in and formed part of this Act. Offences
R.S.O. 1960,
c. 202

12. The expenses incurred in the administration of this Act shall be paid out of such moneys as are appropriated therefor by the Legislature. Expenses

13. The Lieutenant Governor in Council may make regulations, Regulations

- (a) providing for and regulating the engagement of experts, investigators and other assistants by boards of arbitration;
- (b) providing for and fixing the remuneration and expenses of chairmen and other members of boards of arbitration;
- (c) prescribing rules of practice and procedure;
- (d) prescribing forms and providing for their use;
- (e) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

14. This Act comes into force on the day it receives Royal Assent. Commence-
ment

15. This Act may be cited as *The Hospital Labour Disputes Arbitration Act, 1965*. Short title

An Act to provide for the Settlement by
Arbitration of Labour Disputes in Hospitals

1st Reading

March 3rd, 1965

2nd Reading

3rd Reading

MR. ROWNTREE

BILL 41

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to provide for the Settlement by Arbitration of Labour Disputes in Hospitals

MR. ROWNTREE

*(Reprinted as amended by the Committee on Labour,
Legal and Municipal Bills)*

EXPLANATORY NOTE

This new Act will provide for the settlement by arbitration of disputes between trade unions representing hospital employees and their employers over the terms of collective agreements.

Strikes and lock-outs in such disputes are prohibited.

BILL 41

1965

An Act to provide for the Settlement by Arbitration of Labour Disputes in Hospitals

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,

Interpre-
tation

- (a) "hospital" means any hospital, sanitarium, sanatorium or other institution operated for the observation, care or treatment of persons afflicted with or suffering from any physical or mental illness, disease or injury or for the observation, care or treatment of convalescent or chronically ill persons, whether or not it is granted aid out of moneys appropriated by the Legislature and whether or not it is operated for private gain;
- (b) "hospital employee" means a person employed in the operation of a hospital;
- (c) "Minister" means the Minister of Labour;
- (d) "party" means the trade union that is the bargaining agent for a bargaining unit of hospital employees, on the one hand, or the employers of such employees, on the other hand, and "parties" means the two of them.

(2) Unless the contrary intention appears, expressions used in this Act have the same meaning as in *The Labour Relations Act*. Idem
R.S.O. 1960,
c. 202

2.—(1) This Act applies to any hospital employees to whom *The Labour Relations Act* applies, to the trade unions and councils of trade unions that act or purport to act for or on behalf of any such employees, and to the employers of such employees. Application
of Act

Application
of
R.S.O. 1960,
c. 202

(2) Except as modified by this Act, *The Labour Relations Act* applies to any hospital employees to whom this Act applies, to the trade unions and councils of trade unions that act or purport to act for or on behalf of any such employees, and to the employers of such employees.

Declarations
under
R.S.O. 1960,
c. 202, s. 89

(3) No declaration under section 89 of *The Labour Relations Act* may be made with respect to hospital employees to whom this Act applies, and any such declaration heretofore made ceases to have effect on the day on which this Act comes into force.

When
bargaining
must resume
under this
Act

3. Where the Minister has informed each of the parties under clause *b* of section 16 of *The Labour Relations Act* that he does not deem it advisable to appoint a conciliation board, or where the report of a conciliation board appointed under clause *a* of that section or of a mediator appointed under section 14 of that Act has been released by the Minister to each of the parties under subsection 5 of section 29 of that Act, and in either case a collective agreement has not been made, the parties shall meet forthwith and bargain in good faith and make every reasonable effort to make a collective agreement.

Arbitration

4.—(1) Subject to subsection 2, if the parties have not made a collective agreement within thirty-five days after the day on which the Minister informed the parties or released the report as mentioned in section 3, the matters in dispute between them shall be decided by arbitration in accordance with this Act.

Extension
of 35-day
period

(2) The parties by agreement in writing may extend the period of thirty-five days mentioned in subsection 1 for one or more further periods of time, not exceeding a total of ninety days, and thereafter any further extension may be made only with the consent of the Minister.

Appoint-
ment of
board of
arbitration

5.—(1) Within seven days after the period of thirty-five days mentioned in section 4 and any extension thereof has elapsed, each of the parties shall appoint to a board of arbitration a member who has indicated his willingness to act.

Third
member

(2) Within ten days after the day on which the second of the members was appointed, the two members appointed by the parties shall appoint a third member who has indicated his willingness to act, and such third member shall be the chairman.

Failure
of party
to appoint
member

(3) Where a party fails to appoint a member of a board of arbitration within the period of seven days mentioned

in subsection 1, the Minister, upon the written request of either of the parties, shall appoint such member.

(4) Where the two members appointed by or on behalf of the parties fail within ten days after the appointment of the second of them to agree upon the third member, the Minister shall, upon notice in writing of such failure given to him by either of them or by either of the parties, appoint a third member. Failure of members to appoint third member

(5) As soon as one of the parties appoints a member to a board of arbitration, it shall notify the other party and the Minister of the name and address of the member appointed. Notice of appointment by party

(6) When the three members have been appointed to a board of arbitration, it shall be presumed conclusively that it has been established in accordance with this Act, and no order shall be made or process entered or proceedings taken in any court, whether by way of injunction, declaratory judgment, *certiorari*, mandamus, prohibition, *quo warranto* or otherwise, to question the establishment of the board or the appointment of any of its members, or to review, prohibit or restrain any of its proceedings. Privative clause

(7) If a person ceases to be a member of a board of arbitration by reason of his resignation, death or otherwise before it has completed its work, the Minister shall appoint a member in his place after consulting the party whose point of view was represented by such person. Vacancies

(8) If, in the opinion of the Minister, a member of a board of arbitration has failed to enter on or to carry on his duties so as to enable it to render a decision within a reasonable time after its establishment, the Minister may appoint a member in his place after consulting the party whose point of view was represented by such person. Replacement of member

(9) If the chairman of a board of arbitration is unable to enter on or to carry on his duties so as to enable it to render a decision within a reasonable time after its establishment, the Minister may appoint a person to act as chairman in his place. Replacement of chairman

(10) No person shall be appointed a member of a board of arbitration under this Act who was a member of a conciliation board that dealt with the matters to be decided by arbitration in accordance with this Act. Certain persons prohibited as members

(11) No person shall be appointed a member of a board of arbitration under this Act who has any pecuniary interest in the matters coming before it or who is acting or has, within Idem

a period of six months preceding the date of his appointment, acted as solicitor, counsel or agent of either of the parties.

Order to expedite proceedings

(12) Where a board of arbitration has been established and either of the parties complains to the Minister that the board has failed to render a decision within a reasonable time, the Minister may, after consulting the parties and the board, issue whatever order he deems necessary in the circumstances to ensure that a decision will be rendered without delay.

Procedure

(13) A board of arbitration shall determine its own procedure but shall give full opportunity to the parties to present their evidence and make their submissions.

Idem

(14) If the members of a board of arbitration are unable to agree among themselves on matters of procedure or as to the admissibility of evidence, the decision of the chairman governs.

Decision

(15) The decision of a majority of the members of a board of arbitration is the decision of the board, but, if there is no majority, the decision of the chairman is the decision of the board.

Powers

(16) The chairman and the other members of a board of arbitration established under this Act have, respectively, all the powers of a chairman and the members of a board of arbitration under *The Labour Relations Act*.

R.S.O. 1960, c. 202

Duty of board

6.—(1) The board of arbitration shall examine into and decide on matters that are in dispute and any other matters that appear to the board necessary to be decided in order to conclude a collective agreement between the parties, but the board shall not decide any matters that come within the jurisdiction of the Ontario Labour Relations Board.

Board to remain seized of matters

(2) The board of arbitration shall remain seized of and may deal with all matters in dispute between the parties until a collective agreement is in effect between the parties.

R.S.O. 1960, c. 18, not to apply

(3) *The Arbitrations Act* does not apply to arbitrations under this Act.

Where agreement reached

7.—(1) Where, during the bargaining under this Act or during the proceedings before the board of arbitration, the parties agree on all the matters to be included in a collective agreement, they shall put them in writing and shall execute the document, and thereupon it constitutes a collective agreement under *The Labour Relations Act*.

Where there is failure to make agreement

(2) If the parties fail to put in writing the terms agreed upon by them, or if either of them fails to execute the document within seven days after it was executed by the other

of them, they shall be deemed not to have made a collective agreement, and section 4 becomes applicable upon either party appointing a member of a board of arbitration and notifying the other party and the Minister of such appointment.

(3) Where during the bargaining under this Act or during the proceedings before the board of arbitration the parties have agreed upon some matters to be included in the collective agreement and they have so notified the board in writing, the board's decision shall be confined to the matters not agreed upon by the parties and to such other matters that appear to the board necessary to be decided to conclude a collective agreement, and, if, following the rendering of the decision, the parties fail to agree on the terms of a collective agreement within ten days after the release of the decision or within such longer period as may be agreed upon by the parties, the board shall prepare a document giving effect to the agreement of the parties and its decision and shall submit the document to the parties for execution. ^{Decision of arbitration board}

(4) Where the parties have not notified the board in writing that, during the bargaining under this Act or during the proceedings before the board of arbitration, they have agreed upon some matters to be included in the collective agreement, the board shall decide all matters in dispute between the parties and such other matters that appear to the board necessary to be decided to conclude a collective agreement, and shall prepare a document giving effect to its decision and shall submit the document to the parties for execution. ^{Idem}

(5) The board of arbitration shall, in its decision, fix the time within which the parties shall execute the document. ^{Idem}

(6) If the parties or either of them fail to execute the document within such time as is fixed by the decision, the board may order that the document be in effect as though it had been executed by the parties, and the document thereupon constitutes a collective agreement under *The Labour Relations Act*, effective from the day upon which the order was made. ^{Failure to execute agreement} ^{R.S.O. 1960, c. 202}

(7) Except where the parties agree to a longer term of operation, a collective agreement made under this Act remains in force for one year from the day the agreement was executed or ordered to be in effect under subsection 6, as the case may be. ^{Term of agreement}

(8) Notwithstanding subsection 7, the board of arbitration may provide, ^{Idem}

R.S.O. 1960,
c. 202

(a) where notice was given under section 11 of *The Labour Relations Act*, that the agreement or any of its terms shall be retroactive to such day as the board may fix but not earlier than the day upon which such notice was given; or

(b) where notice was given under section 40 of *The Labour Relations Act*, that the agreement or any of its terms shall be retroactive to such day as the board may fix but not earlier than the day upon which the previous agreement ceased to operate.

Strikes and
lock-outs
prohibited

8.—(1) Notwithstanding anything in *The Labour Relations Act*, no hospital employees to whom this Act applies shall strike and no employer of such employees shall lock them out.

Saving

(2) Nothing in this section prohibits any suspension or discontinuation for cause of the operations of a hospital or the quitting of employment for cause if the suspension, discontinuation or quitting does not constitute a lock-out or strike.

Unlawful
strike or
lock-out

(3) Sections 55, 56, 67 and 68 of *The Labour Relations Act* apply *mutatis mutandis* to a strike of hospital employees to whom this Act applies or to a lock-out by their employers.

Timeliness
of repre-
sentation
applications

9.—(1) Notwithstanding section 46 of *The Labour Relations Act*, where a trade union that has been certified as bargaining agent for a bargaining unit of employees of a hospital has given to the employer of such employees notice under section 11 of that Act and the Minister has appointed a conciliation officer or mediator, an application for a declaration that the trade union no longer represents the employees in the bargaining unit determined in the certificate may be made only in accordance with subsection 2 of section 43 of *The Labour Relations Act*.

Idem

(2) Notwithstanding section 46 of *The Labour Relations Act*, where notice has been given under section 40 of that Act by or to a trade union that is the bargaining agent for a bargaining unit of employees of a hospital to or by the employer of such employees and the Minister has appointed a conciliation officer or mediator, an application for certification of a bargaining agent of any of the employees of the hospital in the bargaining unit defined in the collective agreement or an application for a declaration that the trade union that was a party to the collective agreement no longer represents the employees in the bargaining unit defined in the agreement shall not be made after the day upon which the agreement ceased to operate or the day upon which the Minister appointed

a conciliation officer or mediator, whichever is later, except in accordance with section 5 or subsection 2 of section 43 of *The Labour Relations Act*, as the case may be.

R.S.O. 1960,
c. 202

10. Notwithstanding subsection 1 of section 59 of *The Labour Relations Act*, where notice has been given under section 11 or 40 of that Act by or to a trade union that is the bargaining agent for a bargaining unit of hospital employees to which this Act applies to or by the employer of such employees and no collective agreement is in operation, no such employer shall, except with the consent of the trade union, alter the rates of wages or any other term or condition of employment or any right, privilege or duty of the employer, the trade union or the employees, and no such trade union shall, except with the consent of the employer, alter any term or condition of employment or any right, privilege or duty of the employer, the trade union or the employees, until the right of the trade union to represent the employees has been terminated.

Working
conditions
may not be
altered

11. Except where inconsistent with this Act, sections 69, 70, 71, 72 and 74 of *The Labour Relations Act*, as amended or re-enacted from time to time, apply *mutatis mutandis* under this Act as if such sections were enacted in and formed part of this Act.

Offences

12. The expenses incurred in the administration of this Act shall be paid out of such moneys as are appropriated therefor by the Legislature.

Expenses

13. The Lieutenant Governor in Council may make regulations,

Regulations

- (a) providing for and regulating the engagement of experts, investigators and other assistants by boards of arbitration;
- (b) providing for and fixing the remuneration and expenses of chairmen and other members of boards of arbitration;
- (c) prescribing rules of practice and procedure;
- (d) prescribing forms and providing for their use;
- (e) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

14. Where hospital employees are on strike or locked out when this Act comes into force, the strike or lock-out shall

Current
strikes and
lock-outs

be terminated immediately and the employees shall return to work, and the matters in dispute shall be determined by arbitration in accordance with this Act.

Commence-
ment

15. This Act comes into force on the day it receives Royal Assent.

Short title

16. This Act may be cited as *The Hospital Labour Disputes Arbitration Act, 1965*.

1st Reading

March 3rd, 1965

2nd Reading

March 22nd, 1965

3rd Reading

MR. ROWNTREE

(Reprinted as amended by the Committee on
Labour, Legal and Municipal Bills)

BILL 41

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to provide for the Settlement by Arbitration of Labour Disputes in Hospitals

MR. ROWNTREE

BILL 41

1965

An Act to provide for the Settlement by Arbitration of Labour Disputes in Hospitals

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,

Interpre-
tation

- (a) “hospital” means any hospital, sanitarium, sanatorium or other institution operated for the observation, care or treatment of persons afflicted with or suffering from any physical or mental illness, disease or injury or for the observation, care or treatment of convalescent or chronically ill persons, whether or not it is granted aid out of moneys appropriated by the Legislature and whether or not it is operated for private gain;
- (b) “hospital employee” means a person employed in the operation of a hospital;
- (c) “Minister” means the Minister of Labour;
- (d) “party” means the trade union that is the bargaining agent for a bargaining unit of hospital employees, on the one hand, or the employers of such employees, on the other hand, and “parties” means the two of them.

(2) Unless the contrary intention appears, expressions used in this Act have the same meaning as in *The Labour Relations Act*. Idem
R.S.O. 1960,
c. 202

2.—(1) This Act applies to any hospital employees to whom *The Labour Relations Act* applies, to the trade unions and councils of trade unions that act or purport to act for or on behalf of any such employees, and to the employers of such employees. Application
of Act

Application of R.S.O. 1960, c. 202 (2) Except as modified by this Act, *The Labour Relations Act* applies to any hospital employees to whom this Act applies, to the trade unions and councils of trade unions that act or purport to act for or on behalf of any such employees, and to the employers of such employees.

Declarations under R.S.O. 1960, c. 202, s. 89 (3) No declaration under section 89 of *The Labour Relations Act* may be made with respect to hospital employees to whom this Act applies, and any such declaration heretofore made ceases to have effect on the day on which this Act comes into force.

When bargaining must resume under this Act **3.** Where the Minister has informed each of the parties under clause *b* of section 16 of *The Labour Relations Act* that he does not deem it advisable to appoint a conciliation board, or where the report of a conciliation board appointed under clause *a* of that section or of a mediator appointed under section 14 of that Act has been released by the Minister to each of the parties under subsection 5 of section 29 of that Act, and in either case a collective agreement has not been made, the parties shall meet forthwith and bargain in good faith and make every reasonable effort to make a collective agreement.

Arbitration **4.**—(1) Subject to subsection 2, if the parties have not made a collective agreement within thirty-five days after the day on which the Minister informed the parties or released the report as mentioned in section 3, the matters in dispute between them shall be decided by arbitration in accordance with this Act.

Extension of 35-day period (2) The parties by agreement in writing may extend the period of thirty-five days mentioned in subsection 1 for one or more further periods of time, not exceeding a total of ninety days, and thereafter any further extension may be made only with the consent of the Minister.

Appointment of board of arbitration **5.**—(1) Within seven days after the period of thirty-five days mentioned in section 4 and any extension thereof has elapsed, each of the parties shall appoint to a board of arbitration a member who has indicated his willingness to act.

Third member (2) Within ten days after the day on which the second of the members was appointed, the two members appointed by the parties shall appoint a third member who has indicated his willingness to act, and such third member shall be the chairman.

Failure of party to appoint member (3) Where a party fails to appoint a member of a board of arbitration within the period of seven days mentioned

in subsection 1, the Minister, upon the written request of either of the parties, shall appoint such member.

(4) Where the two members appointed by or on behalf of the parties fail within ten days after the appointment of the second of them to agree upon the third member, the Minister shall, upon notice in writing of such failure given to him by either of them or by either of the parties, appoint a third member. Failure of members to appoint third member

(5) As soon as one of the parties appoints a member to a board of arbitration, it shall notify the other party and the Minister of the name and address of the member appointed. Notice of appointment by party

(6) When the three members have been appointed to a board of arbitration, it shall be presumed conclusively that it has been established in accordance with this Act, and no order shall be made or process entered or proceedings taken in any court, whether by way of injunction, declaratory judgment, *certiorari*, mandamus, prohibition, *quo warranto* or otherwise, to question the establishment of the board or the appointment of any of its members, or to review, prohibit or restrain any of its proceedings. Privative clause

(7) If a person ceases to be a member of a board of arbitration by reason of his resignation, death or otherwise before it has completed its work, the Minister shall appoint a member in his place after consulting the party whose point of view was represented by such person. Vacancies

(8) If, in the opinion of the Minister, a member of a board of arbitration has failed to enter on or to carry on his duties so as to enable it to render a decision within a reasonable time after its establishment, the Minister may appoint a member in his place after consulting the party whose point of view was represented by such person. Replacement of member

(9) If the chairman of a board of arbitration is unable to enter on or to carry on his duties so as to enable it to render a decision within a reasonable time after its establishment, the Minister may appoint a person to act as chairman in his place. Replacement of chairman

(10) No person shall be appointed a member of a board of arbitration under this Act who was a member of a conciliation board that dealt with the matters to be decided by arbitration in accordance with this Act. Certain persons prohibited as members

(11) No person shall be appointed a member of a board of arbitration under this Act who has any pecuniary interest in the matters coming before it or who is acting or has, within Idem

a period of six months preceding the date of his appointment, acted as solicitor, counsel or agent of either of the parties.

Order to expedite proceedings

(12) Where a board of arbitration has been established and either of the parties complains to the Minister that the board has failed to render a decision within a reasonable time, the Minister may, after consulting the parties and the board, issue whatever order he deems necessary in the circumstances to ensure that a decision will be rendered without delay.

Procedure

(13) A board of arbitration shall determine its own procedure but shall give full opportunity to the parties to present their evidence and make their submissions.

Idem

(14) If the members of a board of arbitration are unable to agree among themselves on matters of procedure or as to the admissibility of evidence, the decision of the chairman governs.

Decision

(15) The decision of a majority of the members of a board of arbitration is the decision of the board, but, if there is no majority, the decision of the chairman is the decision of the board.

Powers

(16) The chairman and the other members of a board of arbitration established under this Act have, respectively, all the powers of a chairman and the members of a board of arbitration under *The Labour Relations Act*.

R.S.O. 1960, c. 202

Duty of board

6.—(1) The board of arbitration shall examine into and decide on matters that are in dispute and any other matters that appear to the board necessary to be decided in order to conclude a collective agreement between the parties, but the board shall not decide any matters that come within the jurisdiction of the Ontario Labour Relations Board.

Board to remain seized of matters

(2) The board of arbitration shall remain seized of and may deal with all matters in dispute between the parties until a collective agreement is in effect between the parties.

R.S.O. 1960, c. 18, not to apply

(3) *The Arbitrations Act* does not apply to arbitrations under this Act.

Where agreement reached

7.—(1) Where, during the bargaining under this Act or during the proceedings before the board of arbitration, the parties agree on all the matters to be included in a collective agreement, they shall put them in writing and shall execute the document, and thereupon it constitutes a collective agreement under *The Labour Relations Act*.

Where there is failure to make agreement

(2) If the parties fail to put in writing the terms agreed upon by them, or if either of them fails to execute the document within seven days after it was executed by the other

of them, they shall be deemed not to have made a collective agreement, and section 4 becomes applicable upon either party appointing a member of a board of arbitration and notifying the other party and the Minister of such appointment.

(3) Where during the bargaining under this Act or during the proceedings before the board of arbitration the parties have agreed upon some matters to be included in the collective agreement and they have so notified the board in writing, the board's decision shall be confined to the matters not agreed upon by the parties and to such other matters that appear to the board necessary to be decided to conclude a collective agreement, and, if, following the rendering of the decision, the parties fail to agree on the terms of a collective agreement within ten days after the release of the decision or within such longer period as may be agreed upon by the parties, the board shall prepare a document giving effect to the agreement of the parties and its decision and shall submit the document to the parties for execution. ^{Decision of arbitration board}

(4) Where the parties have not notified the board in writing that, during the bargaining under this Act or during the proceedings before the board of arbitration, they have agreed upon some matters to be included in the collective agreement, the board shall decide all matters in dispute between the parties and such other matters that appear to the board necessary to be decided to conclude a collective agreement, and shall prepare a document giving effect to its decision and shall submit the document to the parties for execution. ^{Idem}

(5) The board of arbitration shall, in its decision, fix the time within which the parties shall execute the document. ^{Idem}

(6) If the parties or either of them fail to execute the document within such time as is fixed by the decision, the board may order that the document be in effect as though it had been executed by the parties, and the document thereupon constitutes a collective agreement under *The Labour Relations Act*, effective from the day upon which the order was made. ^{Failure to execute agreement} ^{R.S.O. 1960, c. 202}

(7) Except where the parties agree to a longer term of operation, a collective agreement made under this Act remains in force for one year from the day the agreement was executed or ordered to be in effect under subsection 6, as the case may be. ^{Term of agreement}

(8) Notwithstanding subsection 7, the board of arbitration may provide, ^{Idem}

R.S.O. 1960,
c. 202

(a) where notice was given under section 11 of *The Labour Relations Act*, that the agreement or any of its terms shall be retroactive to such day as the board may fix but not earlier than the day upon which such notice was given; or

(b) where notice was given under section 40 of *The Labour Relations Act*, that the agreement or any of its terms shall be retroactive to such day as the board may fix but not earlier than the day upon which the previous agreement ceased to operate.

Strikes and
lock-outs
prohibited

8.—(1) Notwithstanding anything in *The Labour Relations Act*, no hospital employees to whom this Act applies shall strike and no employer of such employees shall lock them out.

Saving

(2) Nothing in this section prohibits any suspension or discontinuation for cause of the operations of a hospital or the quitting of employment for cause if the suspension, discontinuation or quitting does not constitute a lock-out or strike.

Unlawful
strike or
lock-out

(3) Sections 55, 56, 67 and 68 of *The Labour Relations Act* apply *mutatis mutandis* to a strike of hospital employees to whom this Act applies or to a lock-out by their employers.

Timeliness
of repre-
sentation
applications

9.—(1) Notwithstanding section 46 of *The Labour Relations Act*, where a trade union that has been certified as bargaining agent for a bargaining unit of employees of a hospital has given to the employer of such employees notice under section 11 of that Act and the Minister has appointed a conciliation officer or mediator, an application for a declaration that the trade union no longer represents the employees in the bargaining unit determined in the certificate may be made only in accordance with subsection 2 of section 43 of *The Labour Relations Act*.

Idem

(2) Notwithstanding section 46 of *The Labour Relations Act*, where notice has been given under section 40 of that Act by or to a trade union that is the bargaining agent for a bargaining unit of employees of a hospital to or by the employer of such employees and the Minister has appointed a conciliation officer or mediator, an application for certification of a bargaining agent of any of the employees of the hospital in the bargaining unit defined in the collective agreement or an application for a declaration that the trade union that was a party to the collective agreement no longer represents the employees in the bargaining unit defined in the agreement shall not be made after the day upon which the agreement ceased to operate or the day upon which the Minister appointed

a conciliation officer or mediator, whichever is later, except in accordance with section 5 or subsection 2 of section 43 of *The Labour Relations Act*, as the case may be.

R.S.O. 1960,
c. 202

10. Notwithstanding subsection 1 of section 59 of *The Labour Relations Act*, where notice has been given under section 11 or 40 of that Act by or to a trade union that is the bargaining agent for a bargaining unit of hospital employees to which this Act applies to or by the employer of such employees and no collective agreement is in operation, no such employer shall, except with the consent of the trade union, alter the rates of wages or any other term or condition of employment or any right, privilege or duty of the employer, the trade union or the employees, and no such trade union shall, except with the consent of the employer, alter any term or condition of employment or any right, privilege or duty of the employer, the trade union or the employees, until the right of the trade union to represent the employees has been terminated.

Working
conditions
may not be
altered

11. Except where inconsistent with this Act, sections 69, 70, 71, 72 and 74 of *The Labour Relations Act*, as amended or re-enacted from time to time, apply *mutatis mutandis* under this Act as if such sections were enacted in and formed part of this Act.

Offences

12. The expenses incurred in the administration of this Act shall be paid out of such moneys as are appropriated therefor by the Legislature.

Expenses

13. The Lieutenant Governor in Council may make regulations,

Regulations

- (a) providing for and regulating the engagement of experts, investigators and other assistants by boards of arbitration;
- (b) providing for and fixing the remuneration and expenses of chairmen and other members of boards of arbitration;
- (c) prescribing rules of practice and procedure;
- (d) prescribing forms and providing for their use;
- (e) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

14. Where hospital employees are on strike or locked out when this Act comes into force, the strike or lock-out shall

Current
strikes and
lock-outs

be terminated immediately and the employees shall return to work, and the matters in dispute shall be determined by arbitration in accordance with this Act.

Commence-
ment

15. This Act comes into force on the day it receives Royal Assent.

Short title

16. This Act may be cited as *The Hospital Labour Disputes Arbitration Act, 1965*.

An Act to provide for the Settlement by
Arbitration of Labour Disputes in Hospitals

1st Reading

March 3rd, 1965

2nd Reading

March 22nd, 1965

3rd Reading

April 14th, 1965

MR. ROWNTREE

BILL 42

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Mining Act

MR. WARDROPE

EXPLANATORY NOTES

SECTION 1. The existing practice is made statutory.

SECTION 2. The amendment permits a licensee to stake claims using fewer posts under certain circumstances.

BILL 42

1965

An Act to amend The Mining Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 54 of *The Mining Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 241, s. 54,
amended

- (3) Notwithstanding subsection 3 of section 63, a licensee holding unused metal tags may stake out and apply for a mining claim notwithstanding subsection 2 of this section, stake out and apply for a mining claim if the unused set of metal tags is surrendered to and cancelled by the recorder before the mining claim is presented to the recorder for recording.

2. Section 63 of *The Mining Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 241, s. 63,
amended

- (10) Where metal tags purchased under this section are used in staking out mining claims and the licensee stakes out a group of four or more contiguous claims as part of a continuous action and presents the claims to the recorder for recording at the same time, he may plant or erect and use common posts at common corners Licensee
staking out
contiguous
claims may
use common
posts at
common
corners

(a) the common corner is not on the perimeter of the group of mining claims;

(b) the metal tag and the writing or inscribing pertaining to each claim are placed on that side of the common post facing the next post for that claim in a clockwise manner;

(c) common posts are not used as witness posts; and

- (d) the sketch furnished under subsection 1 of section 59 indicates any common posts so planted or erected,

and otherwise the staking out and recording shall be in the manner provided in this Act.

R.S.O. 1960,
c. 241, s. 91,
subs. 1,
cl. e,
re-enacted

3. Clause *e* of subsection 1 of section 91 of *The Mining Act* is repealed and the following substituted therefor:

- (e) if the application and payment for the lease required by section 100a are not made within the prescribed time.

R.S.O. 1960,
c. 241, s. 92,
subs. 1,
cl. d,
re-enacted

4.—(1) Clause *d* of subsection 1 of section 92 of *The Mining Act* is repealed and the following substituted therefor:

- (d) where application and payment for the lease are not made within the time prescribed in subsection 3 of section 100a, the Commissioner, within six months of the forfeiture, may make an order, upon such terms as he considers just, relieving the claim from forfeiture and extending the time for applying and paying for the lease, but in no case shall the time for so doing be extended beyond five years of the time prescribed in subsection 3 of section 100a.

R.S.O. 1960,
c. 241, s. 92,
subs. 4,
re-enacted

(2) Subsection 4 of the said section 92 is repealed and the following substituted therefor:

Idem

- (4) Within thirty days before forfeiture or loss of rights would occur, the Commissioner may make an order extending the time for applying and paying for the lease, but in no case shall the time for so doing be extended beyond five years of the time prescribed in subsection 3 of section 100a.

Previous
orders
validated

(3) Every order heretofore made by the Commissioner, extending the time for applying and paying for a lease, shall be deemed to be valid notwithstanding that such order would, but for this subsection, be invalid or void.

R.S.O. 1960,
c. 241,
s. 100a
(1962-63,
c. 84, s. 28),
amended

5. Section 100a of *The Mining Act*, as enacted by section 28 of *The Mining Amendment Act, 1962-63* and amended by section 10 of *The Mining Amendment Act, 1964*, is further amended by adding thereto the following subsections:

Rental
where
area of
mining
claim
exceeds
prescribed
area

- (18) Where the area of the mining claim exceeds by more than five acres the area prescribed for a mining claim in section 51 and the claim is not reduced in size

SECTION 3. The amendment provides for the cancellation of a mining claim if the application and payment for a lease are not made within the prescribed time.

SECTION 4—Subsections 1 and 2. The amendments permit the Mining Commissioner to grant extensions of time within which to apply for and pay for leases.

Subsection 3. Extensions already granted are confirmed.

SECTION 5. The new subsections are for purposes of clarification only.

SECTION 6. The amendment is complementary to section 5 of this Bill.

SECTION 7. A provision permitting the Minister to direct recording of work on an expenditure basis is deleted as redundant in view of subsection 14 of section 84 of the Act.

SECTION 8. The amendment is for purposes of clarification.

SECTION 9. The amendment brings the charges for the transfer of leases and licences of occupation in line with the charges respecting unpatented mining claims.

under section 111, the rental per acre of the area in excess of the area so prescribed is twice the rental provided for in this Act, and there shall be performed at least five days work per acre for the excess area.

- (19) Where there is a group of contiguous claims held by the same licensee and their average area does not exceed by more than five acres the area prescribed for a mining claim in section 51, the Minister may direct that subsection 18 does not apply. Contiguous claims held by the same licensee

- (20) Subsection 18 of this section and subsection 6 of section 109 do not apply to the rental for renewal leases. Exceptions

- (21) Where additional work is required under subsection 18, the Minister may prescribe the time within which such work is to be performed and recorded, and application and payment for lease shall be made within the time so prescribed. Where additional work is required

6. Section 101 of *The Mining Act*, as amended by subsection 1 of section 29 of *The Mining Amendment Act, 1962-63*, is repealed. R.S.O. 1960, c. 241, s. 101, repealed

7. Subsection 2 of section 112 of *The Mining Act*, as enacted by section 35 of *The Mining Amendment Act, 1962-63*, is repealed. R.S.O. 1960, c. 241, s. 112, subs. 2 (1962-63, c. 84, s. 35), repealed

8. Section 134 of *The Mining Act*, as amended by section 38 of *The Mining Amendment Act, 1962-63*, is further amended by adding thereto the following subsection: R.S.O. 1960, c. 241, s. 134, amended

- (8) This section applies to the manner in which the metal tags have been affixed to the corner posts, notwithstanding that the period prescribed in subsection 5 of section 62 has not fully expired. Application

9. Items 27 and 28 of the Schedule to *The Mining Act*, as enacted by section 49 of *The Mining Amendment Act, 1962-63*, are repealed and the following substituted therefor: R.S.O. 1960, c. 241, Sched., items 27, 28 (1962-63, c. 84, s. 49), re-enacted

27. For consenting to the transfer of a mining lease or licence of occupation or any interest in a mining lease or licence of occupation. \$5.00

28. For consenting to any document relating to a mining lease or licence of occupation other than a transfer. 2.00

Annual
rental for
licence of
occupation

10.—(1) Where a licence of occupation has heretofore been issued under the provisions of *The Mining Act* or any predecessor thereof and there is no provision in the licence of occupation for the payment of an annual rental, the annual rental, payable in advance, is 25 cents per acre, the minimum annual rental being \$1.

Idem

(2) The rental prescribed by subsection 1 is payable commencing on the anniversary of the effective date of the licence of occupation next following the coming into force of this section.

Previous
forfeitures
validated

11. Every forfeiture of lands and mining rights heretofore made under Part XIV of *The Mining Act* shall be deemed to be valid notwithstanding that such forfeiture would, but for this section, be invalid or void.

Commence-
ment

12. This Act comes into force on the day it receives Royal Assent.

Short title

13. This Act may be cited as *The Mining Amendment Act, 1965*.

SECTION 10. This section provides for an annual rental for licences of occupation in cases where no rental has previously been charged.

SECTION 11. This new section validates forfeitures to date.



An Act to amend The Mining Act

1st Reading

March 3rd, 1965

2nd Reading

3rd Reading

MR. WARDROPE

BILL 42

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Mining Act

MR. WARDROPE

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BILL 42 *Amendments to the Mining Act* 1965

An Act to amend The Mining Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 54 of *The Mining Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 241, s. 54,
amended

- (3) Notwithstanding subsection 3 of section 63, a licensee holding unused metal tags may stake out and apply for a mining claim notwithstanding subsection 2 of this section, stake out and apply for a mining claim if the unused set of metal tags is surrendered to and cancelled by the recorder before the mining claim is presented to the recorder for recording.

2. Section 63 of *The Mining Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 241, s. 63,
amended

- (10) Where metal tags purchased under this section are used in staking out mining claims and the licensee stakes out a group of four or more contiguous claims as part of a continuous action and presents the claims to the recorder for recording at the same time, he may plant or erect and use common posts at common corners if, Licensee
staking out
contiguous
claims may
use common
posts at
common
corners

- (a) the common corner is not on the perimeter of the group of mining claims;
- (b) the metal tag and the writing or inscribing pertaining to each claim are placed on that side of the common post facing the next post for that claim in a clockwise manner;
- (c) common posts are not used as witness posts; and

(d) the sketch furnished under subsection 1 of section 59 indicates any common posts so planted or erected,

and otherwise the staking out and recording shall be in the manner provided in this Act.

R.S.O. 1960,
c. 241, s. 91,
subs. 1,
cl. e,
re-enacted

3. Clause *e* of subsection 1 of section 91 of *The Mining Act* is repealed and the following substituted therefor:

(e) if the application and payment for the lease required by section 100a are not made within the prescribed time.

R.S.O. 1960,
c. 241, s. 92,
subs. 1,
cl. d,
re-enacted

4.—(1) Clause *d* of subsection 1 of section 92 of *The Mining Act* is repealed and the following substituted therefor:

(d) where application and payment for the lease are not made within the time prescribed in subsection 3 of section 100a, the Commissioner, within six months of the forfeiture, may make an order, upon such terms as he considers just, relieving the claim from forfeiture and extending the time for applying and paying for the lease, but in no case shall the time for so doing be extended beyond five years of the time prescribed in subsection 3 of section 100a.

R.S.O. 1960,
c. 241, s. 92,
subs. 4,
re-enacted

(2) Subsection 4 of the said section 92 is repealed and the following substituted therefor:

Idem

(4) Within thirty days before forfeiture or loss of rights would occur, the Commissioner may make an order extending the time for applying and paying for the lease, but in no case shall the time for so doing be extended beyond five years of the time prescribed in subsection 3 of section 100a.

Previous
orders
validated

(3) Every order heretofore made by the Commissioner, extending the time for applying and paying for a lease, shall be deemed to be valid notwithstanding that such order would, but for this subsection, be invalid or void.

R.S.O. 1960,
c. 241,
s. 100a
(1962-63,
c. 84, s. 28),
amended

5. Section 100a of *The Mining Act*, as enacted by section 28 of *The Mining Amendment Act*, 1962-63 and amended by section 10 of *The Mining Amendment Act*, 1964, is further amended by adding thereto the following subsections:

Rental
where
area of
mining
claim
exceeds
prescribed
area

(18) Where the area of the mining claim exceeds by more than five acres the area prescribed for a mining claim in section 51 and the claim is not reduced in size

under section 111, the rental per acre of the area in excess of the area so prescribed is twice the rental provided for in this Act, and there shall be performed at least five days work per acre for the excess area.

- (19) Where there is a group of contiguous claims held by the same licensee and their average area does not exceed by more than five acres the area prescribed for a mining claim in section 51, the Minister may direct that subsection 18 does not apply. Contiguous claims held by the same licensee

- (20) Subsection 18 of this section and subsection 6 of section 109 do not apply to the rental for renewal leases. Exceptions

- (21) Where additional work is required under subsection 18, the Minister may prescribe the time within which such work is to be performed and recorded, and application and payment for lease shall be made within the time so prescribed. Where additional work is required

6. Section 101 of *The Mining Act*, as amended by subsection 1 of section 29 of *The Mining Amendment Act, 1962-63*, is repealed. R.S.O. 1960, c. 241, s. 101, repealed

7. Subsection 2 of section 112 of *The Mining Act*, as enacted by section 35 of *The Mining Amendment Act, 1962-63*, is repealed. R.S.O. 1960, c. 241, s. 112, subs. 2 (1962-63, c. 84, s. 35), repealed

8. Section 134 of *The Mining Act*, as amended by section 38 of *The Mining Amendment Act, 1962-63*, is further amended by adding thereto the following subsection: R.S.O. 1960, c. 241, s. 134, amended

- (8) This section applies to the manner in which the metal tags have been affixed to the corner posts, notwithstanding that the period prescribed in subsection 5 of section 62 has not fully expired. Application

9. Items 27 and 28 of the Schedule to *The Mining Act*, as enacted by section 49 of *The Mining Amendment Act, 1962-63*, are repealed and the following substituted therefor: R.S.O. 1960, c. 241, Sched., items 27, 28 (1962-63, c. 84, s. 49), re-enacted

27. For consenting to the transfer of a mining lease or licence of occupation or any interest in a mining lease or licence of occupation. \$5.00

28. For consenting to any document relating to a mining lease or licence of occupation other than a transfer. 2.00

Annual
rental for
licence of
occupation

10.—(1) Where a licence of occupation has heretofore been issued under the provisions of *The Mining Act* or any predecessor thereof and there is no provision in the licence of occupation for the payment of an annual rental, the annual rental, payable in advance, is 25 cents per acre, the minimum annual rental being \$1.

Idem

(2) The rental prescribed by subsection 1 is payable commencing on the anniversary of the effective date of the licence of occupation next following the coming into force of this section.

Previous
forfeitures
validated

11. Every forfeiture of lands and mining rights heretofore made under Part XIV of *The Mining Act* shall be deemed to be valid notwithstanding that such forfeiture would, but for this section, be invalid or void.

Commence-
ment

12. This Act comes into force on the day it receives Royal Assent.

Short title

13. This Act may be cited as *The Mining Amendment Act, 1965*.

An Act to amend The Mining Act

1st Reading

March 3rd, 1965

2nd Reading

March 30th, 1965

3rd Reading

April 14th, 1965

MR. WARDROPE

BILL 43

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Public Lands Act

MR. ROBERTS

EXPLANATORY NOTES

SECTION 1. The re-enactment of section 37 of the Act provides for the mailing of all instruments granting title to unpatented public lands, under this or any other Act, to the proper local master of titles or registrar of deeds.

SECTION 2. The new procedure will permit the Minister in proper cases to release a reservation in letters patent reserving free access to the shores of the land granted.

BILL 43

1965

An Act to amend The Public Lands Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 37 of *The Public Lands Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 324, s. 37,
re-enacted

- 37.—(1) In this section, "Crown grant" means a grant of a freehold or leasehold interest in unpatented public lands or of an easement in or over unpatented public lands made under this or any other Act. Interpre-
tation
- (2) Where a Crown grant is made of public lands situate in a county, city or separated town to which *The Land Titles Act* applies or in a provisional judicial district, the Minister shall cause to be forwarded to the local master of titles the instrument by which the Crown grant is made, together with a copy thereof. Crown
grants
registered in
land titles
office
R.S.O. 1960,
c. 204
- (3) Where a Crown grant is made of public lands other than lands to which subsection 2 applies, the Minister shall cause to be forwarded to the registrar of the registry division in which the lands are situate the instrument by which the Crown grant is made, together with a copy thereof. Crown
grants
registered in
registry
office
- (4) Upon receipt of an instrument and the copy thereof under subsection 2 or 3, the local master of titles or the registrar shall, without fee or other charge, register the instrument, note particulars of registration on the copy and forward the copy to the grantee at the address furnished by the Department. Registration

2.—(1) Section 69 of *The Public Lands Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 324, s. 69,
amended

Release of
access
reservation

- (1a) Where letters patent have issued for land that is in a municipality and contain a reservation of the right of access to the shores of all rivers, streams and lakes for all vessels, boats and persons, and the Minister is of the opinion that the reservation no longer serves a useful purpose or that the release of the reservation is in the public interest, he may, upon application of the owner of the land or any part thereof and upon payment of a fee of \$25, make an order releasing and discharging the land or part thereof from the reservation.

R.S.O. 1960,
c. 324, s. 69,
subs. 2,
amended

- (2) Subsection 2 of the said section 69 is amended by striking out "subsection 1" in the first line and inserting in lieu thereof "subsection 1 or 1a", so that the subsection shall read as follows:

Registration
of orders

- (2) Any order made under subsection 1 or 1a may be registered in the proper registry or land titles office.

Commence-
ment

- 3.—**(1) This Act, except section 1, comes into force on the day it receives Royal Assent.

Idem

- (2) Section 1 comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

- 4.** This Act may be cited as *The Public Lands Amendment Act, 1965*.

An Act to amend The Public Lands Act

1st Reading

March 4th, 1965

2nd Reading

3rd Reading

MR. ROBERTS

BILL 43

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Public Lands Act

MR. ROBERTS

BILL 43

1965

An Act to amend The Public Lands Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 37 of *The Public Lands Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 324, s. 37,
re-enacted

37.—(1) In this section, "Crown grant" means a grant of a freehold or leasehold interest in unpatented public lands or of an easement in or over unpatented public lands made under this or any other Act. Interpre-
tation

(2) Where a Crown grant is made of public lands situate in a county, city or separated town to which *The Land Titles Act* applies or in a provisional judicial district, the Minister shall cause to be forwarded to the local master of titles the instrument by which the Crown grant is made, together with a copy thereof. Crown
grants
registered in
land titles
office
R.S.O. 1960,
c. 204

(3) Where a Crown grant is made of public lands other than lands to which subsection 2 applies, the Minister shall cause to be forwarded to the registrar of the registry division in which the lands are situate the instrument by which the Crown grant is made, together with a copy thereof. Crown
grants
registered in
registry
office

(4) Upon receipt of an instrument and the copy thereof under subsection 2 or 3, the local master of titles or the registrar shall, without fee or other charge, register the instrument, note particulars of registration on the copy and forward the copy to the grantee at the address furnished by the Department. Registration

2.—(1) Section 69 of *The Public Lands Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 324, s. 69,
amended

Release of
access
reservation

- (1a) Where letters patent have issued for land that is in a municipality and contain a reservation of the right of access to the shores of all rivers, streams and lakes for all vessels, boats and persons, and the Minister is of the opinion that the reservation no longer serves a useful purpose or that the release of the reservation is in the public interest, he may, upon application of the owner of the land or any part thereof and upon payment of a fee of \$25, make an order releasing and discharging the land or part thereof from the reservation.

R.S.O. 1960,
c. 324, s. 69,
subs. 2,
amended

- (2) Subsection 2 of the said section 69 is amended by striking out "subsection 1" in the first line and inserting in lieu thereof "subsection 1 or 1a", so that the subsection shall read as follows:

Registration
of orders

- (2) Any order made under subsection 1 or 1a may be registered in the proper registry or land titles office.

Commence-
ment

- 3.**—(1) This Act, except section 1, comes into force on the day it receives Royal Assent.

Idem

- (2) Section 1 comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

- 4.** This Act may be cited as *The Public Lands Amendment Act, 1965*.



An Act to amend The Public Lands Act

1st Reading

March 4th, 1965

2nd Reading

March 23rd, 1965

3rd Reading

April 14th, 1965

MR. ROBERTS

BILL 44

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to make uniform the Powers of Expropriation Granted to Universities

MR. WISHART

EXPLANATORY NOTE

At present, universities have either no powers or have wide or limited powers of expropriation. This Bill is to make uniform the powers of universities to expropriate land for their purposes.

BILL 44

1965

An Act to make uniform the Powers of Expropriation Granted to Universities

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) This Act applies to,

Universities
to which
Act applies

- (a) University of Toronto;
- (b) Queen's University;
- (c) University of Western Ontario;
- (d) McMaster University;
- (e) Carleton University;
- (f) The University of Waterloo;
- (g) York University;
- (h) Laurentian University of Sudbury;
- (i) Lakehead College of Arts, Science and Technology;
- (j) Trent University;
- (k) University of Windsor;
- (l) Brock University;
- (m) University of Guelph; and
- (n) such other universities as the Lieutenant Governor in Council designates.

(2) The Lieutenant Governor in Council may designate ^{idem} universities, other than those referred to in subsection 1, to which this Act shall apply.

Expropria-
tion

2.—(1) Notwithstanding any special Act, a university to which this Act applies may, without the consent of the owner or of any person interested therein, other than a municipality or a metropolitan municipality, enter upon, take, use and expropriate all such real property as it deems necessary for the purposes of the university or of any university or college federated or affiliated with the university.

Application
of
1962-63,
c. 43

(2) *The Expropriation Procedures Act, 1962-63* applies to the expropriation of real property under this Act.

Expropria-
tion
under this
Act only

(3) No university to which this Act applies shall expropriate real property except under this Act.

Commence-
ment

3. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

4. This Act may be cited as *The University Expropriation Powers Act, 1965*.

An Act to make uniform the Powers
of Expropriation Granted to Universities

1st Reading

March 9th, 1965

2nd Reading

3rd Reading

MR. WISHART

BILL 44

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to make uniform the Powers of Expropriation Granted to Universities

MR. WISHART

(Reprinted as amended by the Committee of the Whole House)

UNIVERSITY OF CALIFORNIA
LAND ACQUISITION ACT

UNIVERSITY OF CALIFORNIA
LAND ACQUISITION ACT

EXPLANATORY NOTE

At present, universities have either no powers or have wide or limited powers of expropriation. This Bill is to make uniform the powers of universities to expropriate land for their purposes.

18-1110

BILL 44

1965

An Act to make uniform the Powers of Expropriation Granted to Universities

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) This Act applies to, Universities
to which
Act applies

- (a) University of Toronto;
- (b) Queen's University;
- (c) University of Western Ontario;
- (d) McMaster University;
- (e) Carleton University;
- (f) The University of Waterloo;
- (g) York University;
- (h) Laurentian University of Sudbury;
- (i) Lakehead College of Arts, Science and Technology;
- (j) Trent University;
- (k) University of Windsor;
- (l) Brock University;
- (m) University of Guelph;
- (n) University of Ottawa;
- (o) Waterloo Lutheran University; and
- (p) such other universities as the Lieutenant Governor in Council designates.

Idem

(2) The Lieutenant Governor in Council may designate universities, other than those referred to in subsection 1, to which this Act shall apply.

Expropriation

2.—(1) Notwithstanding any special Act, a university to which this Act applies may, without the consent of the owner or of any person interested therein, other than a municipality or a metropolitan municipality, enter upon, take, use and expropriate all such land, as defined in *The Expropriation Procedures Act, 1962-63*, as it deems necessary for the purposes of the university or of any university or college federated or affiliated with the university.

Application of 1962-63, c. 43

(2) *The Expropriation Procedures Act, 1962-63* applies to the expropriation of land under this Act.

Expropriation under this Act only

(3) No university to which this Act applies shall expropriate land except under this Act.

Commencement

3. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

4. This Act may be cited as *The University Expropriation Powers Act, 1965*.

An Act to make uniform the Powers
of Expropriation Granted to Universities

1st Reading

March 9th, 1965

2nd Reading

May 6th, 1965

3rd Reading

MR. WISHART

*(Reprinted as amended by the Committee
of the Whole House)*

BILL 44

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to make uniform the Powers of Expropriation Granted to Universities

MR. WISHART

THE UNIVERSITY OF CHICAGO
 LIBRARY

For use in the study of the
 history of the city of Chicago



BILL 44

1965

An Act to make uniform the Powers of Expropriation Granted to Universities

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) This Act applies to,

Universities
to which
Act applies

- (a) University of Toronto;
- (b) Queen's University;
- (c) University of Western Ontario;
- (d) McMaster University;
- (e) Carleton University;
- (f) The University of Waterloo;
- (g) York University;
- (h) Laurentian University of Sudbury;
- (i) Lakehead College of Arts, Science and Technology;
- (j) Trent University;
- (k) University of Windsor;
- (l) Brock University;
- (m) University of Guelph;
- (n) University of Ottawa;
- (o) Waterloo Lutheran University; and
- (p) such other universities as the Lieutenant Governor in Council designates.

Idem

(2) The Lieutenant Governor in Council may designate universities, other than those referred to in subsection 1, to which this Act shall apply.

Expropriation

2.—(1) Notwithstanding any special Act, a university to which this Act applies may, without the consent of the owner or of any person interested therein, other than a municipality or a metropolitan municipality, enter upon, take, use and expropriate all such land, as defined in *The Expropriation Procedures Act, 1962-63*, as it deems necessary for the purposes of the university or of any university or college federated or affiliated with the university.

Application of 1962-63, c. 43

(2) *The Expropriation Procedures Act, 1962-63* applies to the expropriation of land under this Act.

Expropriation under this Act only

(3) No university to which this Act applies shall expropriate land except under this Act.

Commencement

3. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

4. This Act may be cited as *The University Expropriation Powers Act, 1965*.

An Act to make uniform the Powers
of Expropriation Granted to Universities

1st Reading

March 9th, 1965

2nd Reading

May 6th, 1965

3rd Reading

June 21st, 1965

MR. WISHART

BILL 45

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Expropriation Procedures Act, 1962-63

MR. WISHART

EXPLANATORY NOTES

SECTION 1. Procedures for the payment of compensation and appeals, etc., are provided for in *The Drainage Act, 1962-63* with respect to lands used for or injured by a drainage works. The amendment is to make it clear that the provisions of *The Drainage Act, 1962-63* are not affected by *The Expropriation Procedures Act, 1962-63*.

SECTIONS 2 and 3. The purpose of these amendments is to provide a summary, informal and inexpensive procedure in cases where the owner of land expropriated and the expropriating authority are unable to agree as to the amount of the compensation and, where either of them desires a board of skilled and experienced negotiators, to try, at government expense, to bring about a settlement of the matter between the parties before taking it to arbitration.

An Act to amend The Expropriation Procedures Act, 1962-63

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Expropriation Procedures Act, 1962-63* is amended by adding thereto the following subsection: 1962-63,
c. 43, s. 2,
amended

- (6) This Act does not apply to the use of or injury to land authorized under *The Drainage Act, 1962-63* for the purposes of a drainage works constructed under that Act or to any proceedings in connection therewith. Application
to
1962-63,
c. 39

2. Sections 9 and 10 of *The Expropriation Procedures Act, 1962-63* are repealed and the following substituted therefor: 1962-63,
c. 43,
ss. 9, 10,
re-enacted

9. Where the expropriating authority and the owner have not agreed upon the compensation payable under section 6 and, in the case of injurious affection, section 7 has been complied with, or, in the case of expropriation, section 8 has been complied with or the time for complying therewith has expired, the expropriating authority or the owner may serve notice of negotiation upon the other of them and upon the board of negotiation stating that it or he, as the case may be, requires the compensation to be negotiated under section 9a, or, where the expropriating authority and the owner are in agreement on the matter, they may have the compensation determined by arbitration under section 10. Choice of
proceedings,
negotiation
or
arbitration

9a.—(1) A board of negotiation shall be established consisting of two or more members appointed by the Lieutenant Governor in Council, one of whom may be designated as chairman. Board of
negotiation

- | | |
|---|---|
| Cost | (2) The cost of the board of negotiation shall be paid in the fiscal year 1965-66 out of the Consolidated Revenue Fund and thereafter out of moneys appropriated therefor by the Legislature. |
| Quorum | (3) Any two of the members of the board of negotiation constitute a quorum and are sufficient to perform all the functions of the board on behalf of the board. |
| Place of sitting | (4) The board of negotiation may sit at any place in Ontario. |
| Negotiation of amount of compensation | (5) In any case in which a notice of negotiation is served, the board of negotiation shall, upon reasonable notice to the expropriating authority and the owner, meet with them and, without prejudice to any subsequent proceedings, proceed in a summary and informal manner to negotiate a settlement of the compensation. |
| Inspection of land | (6) Before or during the negotiation proceedings, the board of negotiation shall inspect the land that has been expropriated or injuriously affected. |
| Where no settlement reached | (7) If the negotiation proceedings do not result in a settlement of the compensation, the expropriating authority or the owner may serve notice of arbitration upon the other of them, stating that it or he, as the case may be, requires the compensation to be determined by arbitration as though the negotiation proceedings had not taken place. |
| Tribunal for determining compensation where a municipality is the expropriating authority
R.S.O. 1960, cc. 98, 250, 274, 249 | <p>10.—(1) Where the expropriating authority is a municipality as defined in <i>The Department of Municipal Affairs Act</i>, a claim for compensation, if not agreed upon by the authority and the owner and if not settled by negotiation proceedings, shall be determined by,</p> <ul style="list-style-type: none"> (a) the judge, in which case the provisions of <i>The Municipal Arbitrations Act</i> as to procedure apply; (b) the official arbitrator, in which case the provisions of <i>The Municipal Arbitrations Act</i> as to procedure apply; or (c) the Board, in which case the provisions of <i>The Ontario Municipal Board Act</i> as to procedure apply, |

as provided for in Part XVI of *The Municipal Act*.

Subsections 2 and 3 of section 10 of the present Act are being combined and are brought into line with *The Ontario Energy Board Act, 1964*.

In subsection 3 of the new section 10, the words "or where the municipality mentioned in subsection 1 is a local board of more than one municipality" are new. This will provide for the case of a local board of more than one municipality such as some conservation authorities, district high school boards and public health units.

(2) Where the expropriating authority has received its authority under section 21 or 41 of *The Ontario Energy Board Act, 1964* or a predecessor thereof, a claim for compensation, if not agreed upon by the authority and the owner and if not settled by negotiation proceedings, shall be determined under section 21 or 41, as the case may be, of that Act. Idem, gas storage and pipe lines 1964, c. 74

(3) Where the expropriating authority does not come within subsection 1 or 2 or where the municipality mentioned in subsection 1 is a local board of more than one municipality, a claim for compensation, if not agreed upon by the authority and the owner and if not settled by negotiation proceedings, shall be determined by the Board and not otherwise, and *The Ontario Municipal Board Act*, except sections 94 and 95, applies so far as is practicable to every such claim. Idem, Crown and certain other expropriating authorities R.S.O. 1960, c. 274

3. The negotiation procedures established by section 9a of *The Expropriation Procedures Act, 1962-63*, as enacted by section 2 of this Act, are available in any case in which a notice of arbitration under section 9 of *The Expropriation Procedures Act, 1962-63* has not been served before the day on which this Act comes into force. Pending cases 1962-63, c. 43

4.—(1) This Act, except section 1, comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commencement

(2) Section 1 shall be deemed to have come into force on the 1st day of January, 1964. Idem

5. This Act may be cited as *The Expropriation Procedures Amendment Act, 1965*. Short title

An Act to amend
The Expropriation Procedures Act, 1962-63

1st Reading

March 9th, 1965

2nd Reading

3rd Reading

MR. WISHART

BILL 45

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Expropriation Procedures Act, 1962-63

MR. WISHART

BILL 45

1965

An Act to amend The Expropriation Procedures Act, 1962-63

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Expropriation Procedures Act, 1962-63* is amended by adding thereto the following subsection: 1962-63,
c. 43, s. 2,
amended

(6) This Act does not apply to the use of or injury to land authorized under *The Drainage Act, 1962-63* for the purposes of a drainage works constructed under that Act or to any proceedings in connection therewith. Application
to
1962-63,
c. 39

2. Sections 9 and 10 of *The Expropriation Procedures Act, 1962-63* are repealed and the following substituted therefor: 1962-63,
c. 43,
ss. 9, 10,
re-enacted

9. Where the expropriating authority and the owner have not agreed upon the compensation payable under section 6 and, in the case of injurious affection, section 7 has been complied with, or, in the case of expropriation, section 8 has been complied with or the time for complying therewith has expired, the expropriating authority or the owner may serve notice of negotiation upon the other of them and upon the board of negotiation stating that it or he, as the case may be, requires the compensation to be negotiated under section 9a, or, where the expropriating authority and the owner are in agreement on the matter, they may have the compensation determined by arbitration under section 10. Choice of
proceedings,
negotiation
or
arbitration

9a.—(1) A board of negotiation shall be established consisting of two or more members appointed by the Lieutenant Governor in Council, one of whom may be designated as chairman. Board of
negotiation

- Cost (2) The cost of the board of negotiation shall be paid in the fiscal year 1965-66 out of the Consolidated Revenue Fund and thereafter out of moneys appropriated therefor by the Legislature.
- Quorum (3) Any two of the members of the board of negotiation constitute a quorum and are sufficient to perform all the functions of the board on behalf of the board.
- Place of sitting (4) The board of negotiation may sit at any place in Ontario.
- Negotiation of amount of compensation (5) In any case in which a notice of negotiation is served, the board of negotiation shall, upon reasonable notice to the expropriating authority and the owner, meet with them and, without prejudice to any subsequent proceedings, proceed in a summary and informal manner to negotiate a settlement of the compensation.
- Inspection of land (6) Before or during the negotiation proceedings, the board of negotiation shall inspect the land that has been expropriated or injuriously affected.
- Where no settlement reached (7) If the negotiation proceedings do not result in a settlement of the compensation, the expropriating authority or the owner may serve notice of arbitration upon the other of them, stating that it or he, as the case may be, requires the compensation to be determined by arbitration as though the negotiation proceedings had not taken place.
- Tribunal for determining compensation where a municipality is the expropriating authority
R.S.O. 1960, cc. 98, 250, 274, 249
- 10.—(1) Where the expropriating authority is a municipality as defined in *The Department of Municipal Affairs Act*, a claim for compensation, if not agreed upon by the authority and the owner and if not settled by negotiation proceedings, shall be determined by,
- (a) the judge, in which case the provisions of *The Municipal Arbitrations Act* as to procedure apply;
 - (b) the official arbitrator, in which case the provisions of *The Municipal Arbitrations Act* as to procedure apply; or
 - (c) the Board, in which case the provisions of *The Ontario Municipal Board Act* as to procedure apply,

as provided for in Part XVI of *The Municipal Act*.

- (2) Where the expropriating authority has received its authority under section 21 or 41 of *The Ontario Energy Board Act, 1964* or a predecessor thereof, a claim for compensation, if not agreed upon by the authority and the owner and if not settled by negotiation proceedings, shall be determined under section 21 or 41, as the case may be, of that Act. Idem, gas storage and pipe lines 1964, c. 74
- (3) Where the expropriating authority does not come within subsection 1 or 2 or where the municipality mentioned in subsection 1 is a local board of more than one municipality, a claim for compensation, if not agreed upon by the authority and the owner and if not settled by negotiation proceedings, shall be determined by the Board and not otherwise, and *The Ontario Municipal Board Act*, except sections 94 and 95, applies so far as is practicable to every such claim. Idem, Crown and certain other expropriating authorities R.S.O. 1960, c. 274
- 3.** The negotiation procedures established by section 9a of *The Expropriation Procedures Act, 1962-63*, as enacted by section 2 of this Act, are available in any case in which a notice of arbitration under section 9 of *The Expropriation Procedures Act, 1962-63* has not been served before the day on which this Act comes into force. Pending cases 1962-63, c. 43
- 4.**—(1) This Act, except section 1, comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commencement
- (2) Section 1 shall be deemed to have come into force on the 1st day of January, 1964. Idem
- 5.** This Act may be cited as *The Expropriation Procedures Amendment Act, 1965*. Short title

An Act to amend
The Expropriation Procedures Act, 1962-63

1st Reading

March 9th, 1965

2nd Reading

March 23rd, 1965

3rd Reading

April 14th, 1965

MR. WISHART

BILL 46

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Bailiffs Act, 1960-61

MR. WISHART

Explanatory Note

Explanatory Note

EXPLANATORY NOTE

Self-explanatory.

BILL 46

1965

An Act to amend The Bailiffs Act, 1960-61

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 9 of *The Bailiffs Act, 1960-61* 1960-61, c. 5, s. 9, subs. 2, re-enacted is repealed and the following substituted therefor:

(2) No appointment of a bailiff shall be revoked except Hearing after a hearing by the Director or person designated by him at which the bailiff shall have an opportunity to be present and make representations, either personally or by counsel, and to examine or cross-examine witnesses.

(3) The Director shall report the results of the hearing Report and his recommendations to the Attorney General.

2. This Act comes into force on the day it receives Royal Commence- Assent. ment

3. This Act may be cited as *The Bailiffs Amendment Act*, Short title 1965.

An Act to amend The Bailiffs Act, 1960-61

1st Reading

March 9th, 1965

2nd Reading

3rd Reading

MR. WISHART

BILL 46

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Bailiffs Act, 1960-61

MR. WISHART

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100

BILL 46

1965

An Act to amend The Bailiffs Act, 1960-61

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 9 of *The Bailiffs Act, 1960-61* 1960-61,
c. 5, s. 9,
subs. 2,
re-enacted is repealed and the following substituted therefor:
 - (2) No appointment of a bailiff shall be revoked except Hearing after a hearing by the Director or person designated by him at which the bailiff shall have an opportunity to be present and make representations, either personally or by counsel, and to examine or cross-examine witnesses.
 - (3) The Director shall report the results of the hearing Report and his recommendations to the Attorney General.
2. This Act comes into force on the day it receives Royal Commence-
ment Assent.
3. This Act may be cited as *The Bailiffs Amendment Act*, Short title 1965.

An Act to amend The Bailiffs Act, 1960-61

1st Reading

March 9th, 1965

2nd Reading

March 23rd, 1965

3rd Reading

April 14th, 1965

MR. WISHART

BILL 47

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to provide a Provincial Flag for Ontario

MR. ROBARTS

BILL 47 **1965**

An Act to provide a Provincial Flag for Ontario

WHEREAS it is deemed expedient to adopt a flag of ^{Preamble} historical significance as the provincial flag of the Province of Ontario;

AND WHEREAS it is desirable that such flag have the design and colouring of the Canadian Red Ensign except that the badge in the fly be the shield of the armorial bearings of the Province of Ontario granted by Royal Warrant in 1868;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The flag described and illustrated in the Schedule to ^{Provincial} this Act is hereby adopted as the provincial flag of the Province ^{flag} ^{adopted} of Ontario.

2. This Act comes into force on a day to be named by the ^{Commence-} Lieutenant Governor by his proclamation. ^{ment}

3. This Act may be cited as *The Flag Act, 1965*.

Short title

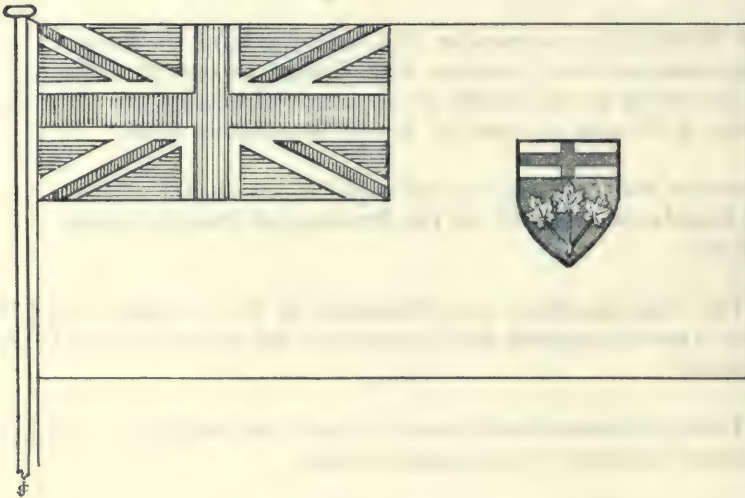
SCHEDULE

1. Description:

A flag of the shade of red specified in the next following paragraph and of the proportions two by length and one by width with the Union Jack occupying the upper quarter next the staff and with the shield of the armorial bearings of the Province of Ontario centred in the half farthest from the staff, the shield to be in height one-third of the width of the flag.

British Admiralty Colour Code No. T1144 for nylon worsted bunting and No. T818A for other bunting.

2. Illustration:



An Act to provide
a Provincial Flag for Ontario

1st Reading

March 9th, 1965

2nd Reading

3rd Reading

MR. ROBARTS

BILL 47

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to provide a Provincial Flag for Ontario

MR. ROBARTS

(Reprinted as amended by the Committee of the Whole House)

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Handwritten text, appearing as a single line of script.

Handwritten text, appearing as a single line of script.

BILL 47 1965**An Act to provide a Provincial Flag for Ontario**

WHEREAS it is deemed expedient to adopt a flag of historical significance as the provincial flag of the Province of Ontario; Preamble

AND WHEREAS it is desirable that such flag have the design and colouring of the Canadian Red Ensign except that the badge in the fly be the shield of the armorial bearings of the Province of Ontario granted by Royal Warrant in 1868;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The flag described and illustrated in the Schedule to this Act is hereby adopted as the provincial flag of the Province of Ontario. Provincial
flag
adopted

2. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commence-
ment

3. This Act may be cited as *The Flag Act, 1965*. Short title

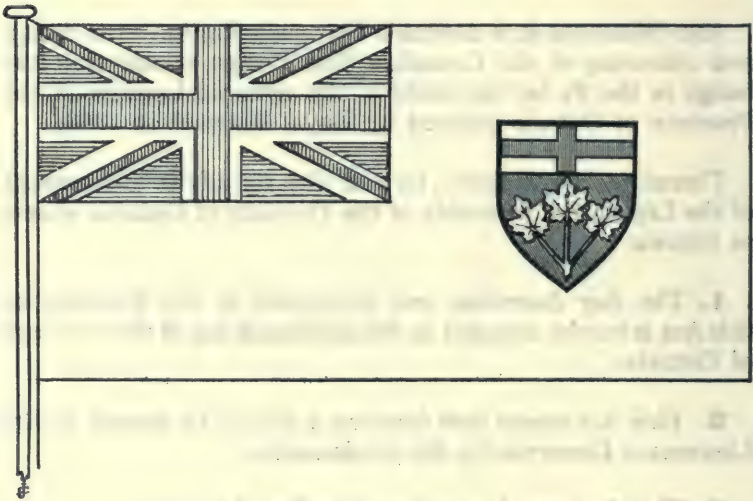
SCHEDULE

1. Description:

A flag of the shade of red specified in the next following paragraph and of the proportions two by length and one by width with the Union Jack occupying the upper quarter next the staff and with the shield of the armorial bearings of the Province of Ontario centred in the half farthest from the staff.

British Admiralty Colour Code No. T1144 for nylon worsted bunting and No. T818A for other bunting.

2. Illustration:



An Act to provide
a Provincial Flag for Ontario

1st Reading

March 9th, 1965

2nd Reading

March 16th, 1965

3rd Reading

MR. ROBARTS

(Reprinted as amended by the
Committee of the Whole House)

BILL 47

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to provide a Provincial Flag for Ontario

MR. ROBARTS

Received of the Treasurer of the
 State of New York

the sum of \$100.00

Date	Particulars	Debit	Credit	Balance
1878	Jan 1			100.00
1878	Feb 1			100.00

BILL 47

1965

An Act to provide a Provincial Flag for Ontario

WHEREAS it is deemed expedient to adopt a flag of ^{Preamble} historical significance as the provincial flag of the Province of Ontario;

AND WHEREAS it is desirable that such flag have the design and colouring of the Canadian Red Ensign except that the badge in the fly be the shield of the armorial bearings of the Province of Ontario granted by Royal Warrant in 1868;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The flag described and illustrated in the Schedule to this Act is hereby adopted as the provincial flag of the Province ^{Provincial flag adopted} of Ontario.

2. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. ^{Commencement}

3. This Act may be cited as *The Flag Act, 1965*.

Short title

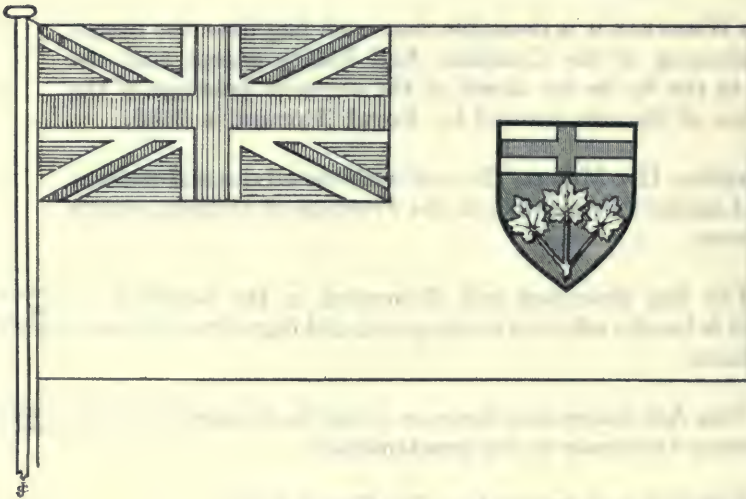
SCHEDULE

1. Description:

A flag of the shade of red specified in the next following paragraph and of the proportions two by length and one by width with the Union Jack occupying the upper quarter next the staff and with the shield of the armorial bearings of the Province of Ontario centred in the half farthest from the staff.

British Admiralty Colour Code No. T1144 for nylon worsted bunting and No. T818A for other bunting.

2. Illustration:



An Act to provide
a Provincial Flag for Ontario

1st Reading

March 9th, 1965

2nd Reading

March 16th, 1965

3rd Reading

April 14th, 1965

MR. ROBARTS

BILL 48

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

**The Alcoholism and Drug Addiction
Research Foundation Act, 1965**

MR. DYMOND

EXPLANATORY NOTE

The Bill is designed to:

1. Consolidate and revise the original Act, which was passed in 1949, and all subsequent amendments.
2. Authorize the Alcoholism and Drug Addiction Research Foundation to make grants to universities, hospitals and other organizations for the furtherance of its objects.

BILL 48

1965

The Alcoholism and Drug Addiction Research Foundation Act, 1965

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "addict" means a person who is addicted to a substance other than alcohol;
- (b) "addiction" means addiction to a substance other than alcohol;
- (c) "alcoholic" means a person who suffers from alcoholism;
- (d) "alcoholism" means a diseased condition produced by the action of alcohol upon the human system;
- (e) "Board" means the professional advisory board of the Foundation;
- (f) "Foundation" means the Alcoholism and Drug Addiction Research Foundation;
- (g) "Minister" means the Minister of Health. 1949, c. 4, s. 1; 1959, c. 4, s. 1; 1960-61, c. 2, s. 2, *amended*.

2.—(1) The corporation known as the Alcoholism and Drug Addiction Research Foundation is continued. Foundation
continued

(2) The Foundation shall be composed of not fewer than seven and not more than twenty members appointed by the Lieutenant Governor in Council. 1949, c. 4, s. 2; 1960-61, c. 2, s. 3; 1961-62, c. 4, s. 1, *amended*. Composition

3. The Lieutenant Governor in Council may designate one of the members to be chairman of the Foundation. 1949, c. 4, s. 3. Chairman

- Quorum** **4.** Five members of the Foundation constitute a quorum. 1949, c. 4, s. 4.
- Vacancies** **5.** The Lieutenant Governor in Council may fill any vacancy among the members of the Foundation. 1949, c. 4, s. 5.
- Head office** **6.** The head office of the Foundation shall be at or near the City of Toronto. 1949, c. 4, s. 6.
- Objects and powers** **7.** The objects of the Foundation are and it has power,
- (a) to conduct and promote a programme of research in alcoholism and addiction; and
 - (b) to conduct, direct and promote programmes for,
 - (i) the treatment of alcoholics and addicts,
 - (ii) the rehabilitation of alcoholics and addicts,
 - (iii) the experimentation in methods of treating and rehabilitating alcoholics and addicts, and
 - (iv) the dissemination of information respecting the recognition, prevention and treatment of alcoholism and addiction. 1951, c. 3, s. 1, *part*; 1955, c. 3, s. 1; 1960-61, c. 2, s. 4, *amended*.
- Further powers** **8.—(1)** For the furtherance of its objects, the Foundation may,
- (a) establish, conduct, manage and operate hospitals, clinics and centres for the observation and treatment of and for consultation with alcoholics and addicts; and
 - (b) enter into agreements,
 - (i) with hospitals and other institutions for the accommodation, care and treatment of alcoholics and addicts, and
 - (ii) with universities, hospitals and other institutions for the experimentation in methods of treatment of alcoholics and addicts.
- Idem, grants** (2) The Foundation may make such grants as are deemed by the Foundation necessary or desirable for the furtherance of its objects. 1951, c. 3, s. 1, *part, amended*.

9. The Foundation may make such by-laws as are deemed expedient for its constitution and the administration of its affairs, and may do such other things as are deemed necessary or advisable to carry out its objects. 1949, c. 4, s. 8, *amended*. Idem,
by-laws

10. The Foundation may acquire by purchase or lease any land and buildings, and may erect buildings, and may acquire such equipment, instruments, appliances, materials and other things as are deemed necessary or advisable to carry out its objects. 1949, c. 4, s. 9, *amended*. Idem,
acquisition
of land

11. The real and personal property, business and income of the Foundation are exempt from all assessment and taxation made, imposed or levied by or under the authority of any Act of the Legislature. 1949, c. 4, s. 10, *amended*. Exemption
from
taxation

12. There shall be a professional advisory board composed of such duly qualified medical practitioners, scientists and other persons as the Foundation, with the approval of the Lieutenant Governor in Council, may appoint. 1962-63, c. 3, s. 1, *amended*. Board

13.—(1) The Foundation may employ a director and such officers, clerks and servants as are deemed expedient. Officers
and staff

(2) The Foundation may engage the services of such experts and other persons as are deemed expedient. 1949, c. 4, s. 12. Experts

14.—(1) Each member of the Foundation and the Board shall be paid his proper travelling and other expenses incurred in the work of the Foundation. Expenses

(2) The members of the Board shall be paid such remuneration as the Foundation determines from time to time. 1964, c. 1, s. 1, *amended*. Remunera-
tion of
Board

15. The funds of the Foundation consist of moneys received by it from any source, including moneys appropriated for its use by the Legislature, and the Foundation may disburse, expend or otherwise deal with any of its funds in such manner as it deems proper. 1949, c. 4, s. 14, *amended*. Funds

16. The accounts and financial transactions of the Foundation shall be audited annually by the Provincial Auditor, who shall make a report thereon to the Foundation and to the Minister, and the cost of the audit and report shall be paid out of the funds of the Foundation. 1949, c. 4, s. 16, *amended*. Audit

Annual
report

17. The Foundation shall make a report annually to the Minister, who shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. 1949, c. 4, s. 17, *amended*.

Repeal:

18. The following are repealed:

1949, c. 4

1. *The Alcoholism and Drug Addiction Research Foundation Act, 1949.*

1951, c. 3

2. *The Alcoholism Research Foundation Amendment Act, 1951.*

1955, c. 3

3. *The Alcoholism Research Foundation Amendment Act, 1955.*

1959, c. 4

4. *The Alcoholism Research Foundation Amendment Act, 1959.*

1960-61,
c. 2

5. *The Alcoholism Research Foundation Amendment Act, 1960-61.*

1961-62,
c. 4

6. *The Alcoholism and Drug Addiction Research Foundation Amendment Act, 1961-62.*

1962-63,
c. 3

7. *The Alcoholism and Drug Addiction Research Foundation Amendment Act, 1962-63.*

1964, c. 1

8. *The Alcoholism and Drug Addiction Research Foundation Amendment Act, 1964.*

Commence-
ment

19. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

20. This Act may be cited as *The Alcoholism and Drug Addiction Research Foundation Act, 1965*.

The Alcoholism and Drug Addiction
Research Foundation Act, 1965

1st Reading

March 9th, 1965

2nd Reading

3rd Reading

MR. DYMOND

BILL 48

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

The Alcoholism and Drug Addiction Research Foundation Act, 1965

MR. DYMOND

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTE

The Bill is designed to:

1. Consolidate and revise the original Act, which was passed in 1949, and all subsequent amendments.
2. Authorize the Alcoholism and Drug Addiction Research Foundation to make grants to universities, hospitals and other organizations for the furtherance of its objects.

BILL 48

1965

The Alcoholism and Drug Addiction Research Foundation Act, 1965

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "addict" means a person who is addicted to a substance other than alcohol;
- (b) "addiction" means addiction to a substance other than alcohol;
- (c) "alcoholic" means a person who suffers from alcoholism;
- (d) "alcoholism" means a diseased condition produced by the action of alcohol upon the human system;
- (e) "Board" means the professional advisory board of the Foundation;
- (f) "Foundation" means the Alcoholism and Drug Addiction Research Foundation;
- (g) "Minister" means the Minister of Health. 1949, c. 4, s. 1; 1959, c. 4, s. 1; 1960-61, c. 2, s. 2, *amended*.

2.—(1) The corporation known as the Alcoholism and Drug Addiction Research Foundation is continued. Foundation
continued

(2) The Foundation shall be composed of not fewer than seven and not more than twenty members appointed by the Lieutenant Governor in Council. 1949, c. 4, s. 2; 1960-61, c. 2, s. 3; 1961-62, c. 4, s. 1, *amended*. Composition

3. The Lieutenant Governor in Council may designate one of the members to be chairman of the Foundation. 1949, c. 4, s. 3. Chairman

- Quorum** **4.** Five members of the Foundation constitute a quorum. 1949, c. 4, s. 4.
- Vacancies** **5.** The Lieutenant Governor in Council may fill any vacancy among the members of the Foundation. 1949, c. 4, s. 5.
- Head office** **6.** The head office of the Foundation shall be at or near the City of Toronto. 1949, c. 4, s. 6.
- Objects and powers** **7.** The objects of the Foundation are and it has power,
- (a) to conduct and promote a programme of research in alcoholism and addiction; and
 - (b) to conduct, direct and promote programmes for,
 - (i) the treatment of alcoholics and addicts,
 - (ii) the rehabilitation of alcoholics and addicts,
 - (iii) the experimentation in methods of treating and rehabilitating alcoholics and addicts, and
 - (iv) the dissemination of information respecting the recognition, prevention and treatment of alcoholism and addiction. 1951, c. 3, s. 1, *part*; 1955, c. 3, s. 1; 1960-61, c. 2, s. 4, *amended*.
- Further powers** **8.—(1)** For the furtherance of its objects, the Foundation may,
- (a) establish, conduct, manage and operate hospitals, clinics and centres for the observation and treatment of and for consultation with alcoholics and addicts; and
 - (b) enter into agreements,
 - (i) with hospitals and other institutions for the accommodation, care and treatment of alcoholics and addicts, and
 - (ii) with universities, hospitals and other institutions for the experimentation in methods of treatment of alcoholics and addicts.
- Idem, grants** **(2)** The Foundation may make such grants as are deemed by the Foundation necessary or desirable for the furtherance of its objects. 1951, c. 3, s. 1, *part, amended*.

9. The Foundation may make such by-laws as are deemed ^{Idem, by-laws} expedient for its constitution and the administration of its affairs, and may do such other things as are deemed necessary or advisable to carry out its objects. 1949, c. 4, s. 8, *amended*.

10. The Foundation may acquire by purchase or lease any ^{Idem, acquisition of land} land and buildings, and may erect buildings, and may acquire such equipment, instruments, appliances, materials and other things as are deemed necessary or advisable to carry out its objects. 1949, c. 4, s. 9, *amended*.

11. The real and personal property, business and income ^{Exemption from taxation} of the Foundation are exempt from all assessment and taxation made, imposed or levied by or under the authority of any Act of the Legislature. 1949, c. 4, s. 10, *amended*.

12. There shall be a professional advisory board composed ^{Board} of such duly qualified medical practitioners, scientists and other persons as the Foundation, with the approval of the Lieutenant Governor in Council, may appoint. 1962-63, c. 3, s. 1, *amended*.

13.—(1) The Foundation may employ a director and such ^{Officers and staff} officers, clerks and servants as are deemed expedient.

(2) The Foundation may engage the services of such ^{Experts} experts and other persons as are deemed expedient. 1949, c. 4, s. 12.

14.—(1) Each member of the Foundation and the Board ^{Expenses} shall be paid his proper travelling and other expenses incurred in the work of the Foundation.

(2) Subject to the approval of the Lieutenant Governor ^{Remuneration of Board} in Council, the members of the Board shall be paid such remuneration as the Foundation determines from time to time. 1964, c. 1, s. 1, *amended*.

15. The funds of the Foundation consist of moneys re- ^{Funds} ceived by it from any source, including moneys appropriated for its use by the Legislature, and the Foundation may disburse, expend or otherwise deal with any of its funds in such manner as it deems proper. 1949, c. 4, s. 14, *amended*.

16. The accounts and financial transactions of the Founda- ^{Audit} tion shall be audited annually by the Provincial Auditor, who shall make a report thereon to the Foundation and to the Minister, and the cost of the audit and report shall be paid out of the funds of the Foundation. 1949, c. 4, s. 16, *amended*.

Annual
report

17. The Foundation shall make a report annually to the Minister, who shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. 1949, c. 4, s. 17, *amended*.

Repeal:

18. The following are repealed:

1949, c. 4

1. *The Alcoholism and Drug Addiction Research Foundation Act, 1949.*

1951, c. 3

2. *The Alcoholism Research Foundation Amendment Act, 1951.*

1955, c. 3

3. *The Alcoholism Research Foundation Amendment Act, 1955.*

1959, c. 4

4. *The Alcoholism Research Foundation Amendment Act, 1959.*

1960-61,
c. 2

5. *The Alcoholism Research Foundation Amendment Act, 1960-61.*

1961-62,
c. 4

6. *The Alcoholism and Drug Addiction Research Foundation Amendment Act, 1961-62.*

1962-63,
c. 3

7. *The Alcoholism and Drug Addiction Research Foundation Amendment Act, 1962-63.*

1964, c. 1

8. *The Alcoholism and Drug Addiction Research Foundation Amendment Act, 1964.*

Commence-
ment

19. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

20. This Act may be cited as *The Alcoholism and Drug Addiction Research Foundation Act, 1965*.

The Alcoholism and Drug Addiction
Research Foundation Act, 1965

1st Reading

March 9th, 1965

2nd Reading

March 23rd, 1965

3rd Reading

MR. DYMOND

(Reprinted as amended by the
Committee of the Whole House)

BILL 48

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

The Alcoholism and Drug Addiction Research Foundation Act, 1965

MR. DYMOND

BILL 48

1965

The Alcoholism and Drug Addiction Research Foundation Act, 1965

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "addict" means a person who is addicted to a substance other than alcohol;
- (b) "addiction" means addiction to a substance other than alcohol;
- (c) "alcoholic" means a person who suffers from alcoholism;
- (d) "alcoholism" means a diseased condition produced by the action of alcohol upon the human system;
- (e) "Board" means the professional advisory board of the Foundation;
- (f) "Foundation" means the Alcoholism and Drug Addiction Research Foundation;
- (g) "Minister" means the Minister of Health. 1949, c. 4, s. 1; 1959, c. 4, s. 1; 1960-61, c. 2, s. 2, *amended*.

2.—(1) The corporation known as the Alcoholism and Drug Addiction Research Foundation is continued. Foundation
continued

(2) The Foundation shall be composed of not fewer than seven and not more than twenty members appointed by the Lieutenant Governor in Council. 1949, c. 4, s. 2; 1960-61, c. 2, s. 3; 1961-62, c. 4, s. 1, *amended*. Composition

3. The Lieutenant Governor in Council may designate one of the members to be chairman of the Foundation. 1949, c. 4, s. 3. Chairman

- Quorum** **4.** Five members of the Foundation constitute a quorum. 1949, c. 4, s. 4.
- Vacancies** **5.** The Lieutenant Governor in Council may fill any vacancy among the members of the Foundation. 1949, c. 4, s. 5.
- Head office** **6.** The head office of the Foundation shall be at or near the City of Toronto. 1949, c. 4, s. 6.
- Objects and powers** **7.** The objects of the Foundation are and it has power,
- (a) to conduct and promote a programme of research in alcoholism and addiction; and
 - (b) to conduct, direct and promote programmes for,
 - (i) the treatment of alcoholics and addicts,
 - (ii) the rehabilitation of alcoholics and addicts,
 - (iii) the experimentation in methods of treating and rehabilitating alcoholics and addicts, and
 - (iv) the dissemination of information respecting the recognition, prevention and treatment of alcoholism and addiction. 1951, c. 3, s. 1, *part*; 1955, c. 3, s. 1; 1960-61, c. 2, s. 4, *amended*.
- Further powers** **8.—(1)** For the furtherance of its objects, the Foundation may,
- (a) establish, conduct, manage and operate hospitals, clinics and centres for the observation and treatment of and for consultation with alcoholics and addicts; and
 - (b) enter into agreements,
 - (i) with hospitals and other institutions for the accommodation, care and treatment of alcoholics and addicts, and
 - (ii) with universities, hospitals and other institutions for the experimentation in methods of treatment of alcoholics and addicts.
- Idem, grants** **(2)** The Foundation may make such grants as are deemed by the Foundation necessary or desirable for the furtherance of its objects. 1951, c. 3, s. 1, *part, amended*.

9. The Foundation may make such by-laws as are deemed ^{Idem, by-laws} expedient for its constitution and the administration of its affairs, and may do such other things as are deemed necessary or advisable to carry out its objects. 1949, c. 4, s. 8, *amended*.

10. The Foundation may acquire by purchase or lease any ^{Idem, acquisition of land} land and buildings, and may erect buildings, and may acquire such equipment, instruments, appliances, materials and other things as are deemed necessary or advisable to carry out its objects. 1949, c. 4, s. 9, *amended*.

11. The real and personal property, business and income ^{Exemption from taxation} of the Foundation are exempt from all assessment and taxation made, imposed or levied by or under the authority of any Act of the Legislature. 1949, c. 4, s. 10, *amended*.

12. There shall be a professional advisory board composed ^{Board} of such duly qualified medical practitioners, scientists and other persons as the Foundation, with the approval of the Lieutenant Governor in Council, may appoint. 1962-63, c. 3, s. 1, *amended*.

13.—(1) The Foundation may employ a director and such ^{Officers and staff} officers, clerks and servants as are deemed expedient.

(2) The Foundation may engage the services of such ^{Experts} experts and other persons as are deemed expedient. 1949, c. 4, s. 12.

14.—(1) Each member of the Foundation and the Board ^{Expenses} shall be paid his proper travelling and other expenses incurred in the work of the Foundation.

(2) Subject to the approval of the Lieutenant Governor ^{Remuneration of Board} in Council, the members of the Board shall be paid such remuneration as the Foundation determines from time to time. 1964, c. 1, s. 1, *amended*.

15. The funds of the Foundation consist of moneys re- ^{Funds} ceived by it from any source, including moneys appropriated for its use by the Legislature, and the Foundation may disburse, expend or otherwise deal with any of its funds in such manner as it deems proper. 1949, c. 4, s. 14, *amended*.

16. The accounts and financial transactions of the Founda- ^{Audit} tion shall be audited annually by the Provincial Auditor, who shall make a report thereon to the Foundation and to the Minister, and the cost of the audit and report shall be paid out of the funds of the Foundation. 1949, c. 4, s. 16, *amended*.

Annual
report

17. The Foundation shall make a report annually to the Minister, who shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. 1949, c. 4, s. 17, *amended*.

Repeal:

18. The following are repealed:

1949, c. 4

1. *The Alcoholism and Drug Addiction Research Foundation Act, 1949.*

1951, c. 3

2. *The Alcoholism Research Foundation Amendment Act, 1951.*

1955, c. 3

3. *The Alcoholism Research Foundation Amendment Act, 1955.*

1959, c. 4

4. *The Alcoholism Research Foundation Amendment Act, 1959.*

1960-61,
c. 2

5. *The Alcoholism Research Foundation Amendment Act, 1960-61.*

1961-62,
c. 4

6. *The Alcoholism and Drug Addiction Research Foundation Amendment Act, 1961-62.*

1962-63,
c. 3

7. *The Alcoholism and Drug Addiction Research Foundation Amendment Act, 1962-63.*

1964, c. 1

8. *The Alcoholism and Drug Addiction Research Foundation Amendment Act, 1964.*

Commence-
ment

19. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

20. This Act may be cited as *The Alcoholism and Drug Addiction Research Foundation Act, 1965*.

The Alcoholism and Drug Addiction
Research Foundation Act, 1965

1st Reading

March 9th, 1965

2nd Reading

March 23rd, 1965

3rd Reading

April 14th, 1965

MR. DYMOND

BILL 49

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Medical Act

MR. DYMOND

EXPLANATORY NOTE

The Bill is designed to:

1. Permit the College to register on its educational register internes employed in private hospitals.
2. Establish a committee devoted to the consideration of complaints of professional misconduct against members and with power to refer suitable cases to the discipline committee.
3. Extend the disciplinary jurisdiction of the College to include incompetence of a member.
4. Transfer Renfrew County from Territorial Division 6 to Territorial Division 7 for purpose of electing a member to the Council of the College of Physicians and Surgeons of Ontario.

BILL 49

1965

An Act to amend The Medical Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of subsection 2 of section 20 of *The Medical Act* R.S.O. 1960, c. 234, s. 20, subs. 2, cl. b, amended is amended by inserting after "Act" in the third line "a private hospital licensed under *The Private Hospitals Act*", amended so that the clause shall read as follows:

(b) is employed as an interne or is engaged in post-graduate work in a public hospital approved under *The Public Hospitals Act*, a private hospital licensed under *The Private Hospitals Act*, a hospital within the meaning of *The Mental Hospitals Act*, the Toronto Psychiatric Hospital, an isolation hospital established under *The Public Health Act*, a sanatorium for consumptives within the meaning of *The Sanatoria for Consumptives Act*, or a hospital operated and maintained by Her Majesty in right of Canada; and

2. *The Medical Act* is amended by adding thereto the following section: R.S.O. 1960, c. 234, amended

32a.—(1) The Council may by by-law provide for, Complaints committee

- (a) the establishment of a complaints committee, which shall have authority to consider complaints regarding the conduct or actions of a member and to refer any such complaint in whole or in part to the discipline committee;
- (b) the composition and quorum of the complaints committee; and
- (c) the procedure to be followed by the complaints committee in the conduct of its business.

Saving

- (2) Notwithstanding subsection 1 and any by-law passed thereunder, the Council and the executive committee shall continue to have authority, as in this Act provided, to direct that an inquiry be made by the discipline committee into any alleged professional misconduct on the part of a member.

R.S.O. 1960,
c. 234, s. 33
(1962-63,
c. 80, s. 1),
subs. 3,
cl. c,
amended

- 3.** Clause *c* of subsection 3 of section 33 of *The Medical Act*, as re-enacted by section 1 of *The Medical Amendment Act, 1962-63*, is amended by adding at the end thereof "or of incompetence", so that the clause shall read as follows:

- (c) if he has been guilty, in the opinion of the discipline committee or Council, of misconduct in a professional respect or of conduct unbecoming a medical practitioner or of incompetence.

R.S.O. 1960,
c. 234,
Sched. A,
amended

- 4.** Schedule A to *The Medical Act* is amended by striking out "Renfrew" in Territorial Division 6 and by adding "Renfrew" to Territorial Division 7.

Commence-
ment

- 5.** This Act comes into force on the day it receives Royal Assent.

Short title

- 6.** This Act may be cited as *The Medical Amendment Act, 1965*.

An Act to amend The Medical Act

1st Reading

March 9th, 1965

2nd Reading

3rd Reading

MR. DYMOND

BILL 49

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Medical Act

MR. DYMOND

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

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An Act to amend The Medical Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of subsection 2 of section 20 of *The Medical Act* is amended by inserting after "Act" in the third line "a private hospital licensed under *The Private Hospitals Act*", so that the clause shall read as follows:

R.S.O. 1960,
c. 234, s. 20,
subs. 2,
cl. b,
amended

- (b) is employed as an interne or is engaged in post-graduate work in a public hospital approved under *The Public Hospitals Act*, a private hospital licensed under *The Private Hospitals Act*, a hospital within the meaning of *The Mental Hospitals Act*, the Toronto Psychiatric Hospital, an isolation hospital established under *The Public Health Act*, a sanatorium for consumptives within the meaning of *The Sanatoria for Consumptives Act*, or a hospital operated and maintained by Her Majesty in right of Canada; and

R.S.O. 1960,
cc. 322, 305,
236, 321, 359

.

2. *The Medical Act* is amended by adding thereto the following section:

R.S.O. 1960,
c. 234,
amended

32a.—(1) The Council may by by-law provide for,

Complaints
committee

- (a) the establishment of a complaints committee, which shall have authority to consider complaints regarding the conduct or actions of a member and to refer any such complaint in whole or in part to the discipline committee;
- (b) the composition and quorum of the complaints committee; and
- (c) the procedure to be followed by the complaints committee in the conduct of its business.

Saving

- (2) Notwithstanding subsection 1 and any by-law passed thereunder, the Council and the executive committee shall continue to have authority, as in this Act provided, to direct that an inquiry be made by the discipline committee into any alleged professional misconduct on the part of a member.

R.S.O. 1960,
c. 234, s. 33
(1962-63,
c. 80, s. 1),
subs. 3,
cl. c,
amended

- 3.** Clause *c* of subsection 3 of section 33 of *The Medical Act*, as re-enacted by section 1 of *The Medical Amendment Act, 1962-63*, is amended by adding at the end thereof "or of incompetence", so that the clause shall read as follows:

- (c) if he has been guilty, in the opinion of the discipline committee or Council, of misconduct in a professional respect or of conduct unbecoming a medical practitioner or of incompetence.

R.S.O. 1960,
c. 234,
Sched. A,
amended

- 4.** Schedule A to *The Medical Act* is amended by striking out "Renfrew" in Territorial Division 6 and by adding "Renfrew" to Territorial Division 7.

Commence-
ment

- 5.** This Act comes into force on the day it receives Royal Assent.

Short title

- 6.** This Act may be cited as *The Medical Amendment Act, 1965*.

An Act to amend The Medical Act

1st Reading

March 9th, 1965

2nd Reading

March 23rd, 1965

3rd Reading

April 14th, 1965

MR. DYMOND

BILL 50

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Dentistry Act

MR. DYMOND

EXPLANATORY NOTE

The section being repealed requires that the Royal College of Dental Surgeons of Ontario transmit annually to the Provincial Secretary a certified list of the dentists who were registered during the preceding year.

This requirement now serves no useful purpose.

BILL 50

1965

An Act to amend The Dentistry Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 20 of *The Dentistry Act* is repealed.

R.S.O. 1960,
c. 91, s. 20,
repealed

2. This Act may be cited as *The Dentistry Amendment Act, 1965*.

Short title

An Act to amend The Dentistry Act

1st Reading

March 9th, 1965

2nd Reading

3rd Reading

MR. DYMOND

BILL 50

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Dentistry Act

MR. DYMOND

Received of the Treasurer of the
City of New York

the sum of \$100.00

for

1870

BILL 50

1965

An Act to amend The Dentistry Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** Section 20 of *The Dentistry Act* is repealed.

R.S.O. 1960,
c. 91, s. 20,
repealed

- 2.** This Act may be cited as *The Dentistry Amendment Act, 1965*. Short title

An Act to amend The Dentistry Act

1st Reading

March 9th, 1965

2nd Reading

March 23rd, 1965

3rd Reading

April 14th, 1965

MR. DYMOND

BILL 51

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Nurses Act, 1961-62

MR. DYMOND

EXPLANATORY NOTE

The Association of Certified Nursing Assistants of Ontario, at the request of The Canadian Nurses Association and with the approval of the Council of the College of Nurses, is changing its name to the Ontario Association of Registered Nursing Assistants and accordingly the appropriate change is being made in this Act.

BILL 51

1965

An Act to amend The Nurses Act, 1961-62

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *d* of section 3 of *The Nurses Act, 1961-62* is ^{1961-62, c. 90, s. 3, cl. *d*, re-enacted} repealed and the following substituted therefor:

- (*d*) members appointed by the Ontario Association of Registered Nursing Assistants in accordance with the regulations.

2. This Act may be cited as *The Nurses Amendment Act*, ^{Short title} 1965.

An Act to amend The Nurses Act, 1961-62

1st Reading

March 9th, 1965

2nd Reading

3rd Reading

MR. DYMOND

BILL 51

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Nurses Act, 1961-62

MR. DYMOND

BILL 51

1965

An Act to amend The Nurses Act, 1961-62

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *d* of section 3 of *The Nurses Act, 1961-62* is ^{1961-62,} repealed and the following substituted therefor: ^{c. 90, s. 3,}
^{cl. d,}
^{re-enacted}

(*d*) members appointed by the Ontario Association of Registered Nursing Assistants in accordance with the regulations.

2. This Act may be cited as *The Nurses Amendment Act*, ^{Short title} 1965.

1st Reading

March 9th, 1965

2nd Reading

March 23rd, 1965

3rd Reading

April 14th, 1965

MR. DYMOND

BILL 52

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Psychologists Registration Act

MR. DYMOND

EXPLANATORY NOTES

SECTION 1. A new provision authorizes the Ontario Board of Examiners in Psychology to register without examination a candidate who has qualified as a psychologist in a jurisdiction outside Ontario that has standards at least equal to those in Ontario.

SECTIONS 2 and 3. These new provisions will enable the Board to register persons who are academically qualified but who have not acquired all the necessary experience for full registration, thus entitling such persons to represent themselves as psychologists.

BILL 52

1965

An Act to amend The Psychologists Registration Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 6 of *The Psychologists Registration Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 316, s. 6,
amended

- (2) The Board in its discretion may waive examination of a candidate for registration if the candidate holds a diploma granted by the American Board of Examiners in Professional Psychology or has been certified or registered by the examining board of another province, state or country whose standards are deemed by the Board to be at least the equivalent of the standards established by this Act. Where
Board
may
dispense
with
examination

2. *The Psychologists Registration Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 316,
amended

- 10a.—(1) The Board may keep a register to be known as the "temporary register", in which shall be entered the name of every person who has received a degree within the meaning of section 6 or 7 but who has not met all the other requirements specified in section 6 or 7, as the case may be. Temporary
register
- (2) The temporary register shall be open to inspection by any person upon reasonable notice to the Board. Inspection
- (3) Upon granting registration in the temporary register, the Board may fix the fee payable by the person so registered and the conditions, limitations and restrictions applicable to such person. Conditions
of
registration
- (4) Upon any person so registered ceasing to comply with the conditions, limitations or restrictions applicable to such person, the Board may remove the name of the person from the temporary register. Removal
of name

R.S.O. 1960,
c. 316, s. 11,
subs. 3,
amended

3. Subsection 3 of section 11 of *The Psychologists Registration Act* is amended by adding at the end thereof "or to a person registered in the temporary register under section 10a", so that the subsection shall read as follows:

Exceptions

- (3) This section does not apply to a duly qualified medical practitioner or to a person in the course of his employment by the Government of Canada, the Government of Ontario or a university, or to a person registered in the temporary register under section 10a.

Short title

4. This Act may be cited as *The Psychologists Registration Amendment Act, 1965*.

An Act to amend
The Psychologists Registration Act

1st Reading

March 11th, 1965

2nd Reading

3rd Reading

MR. DYMOND

BILL 52

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Psychologists Registration Act

MR. DYMOND

Received from the Department of Psychology, University of California, San Diego, La Jolla, CA 92037

Correspondence should be addressed to Dr. Robert M. Glaser, Department of Psychology, University of California, San Diego, La Jolla, CA 92037.



BILL 52

1965

An Act to amend The Psychologists Registration Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 6 of *The Psychologists Registration Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 316, s. 6,
amended

- (2) The Board in its discretion may waive examination of a candidate for registration if the candidate holds a diploma granted by the American Board of Examiners in Professional Psychology or has been certified or registered by the examining board of another province, state or country whose standards are deemed by the Board to be at least the equivalent of the standards established by this Act. Where
Board
may
dispense
with
examination

2. *The Psychologists Registration Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 316,
amended

- 10a.—(1) The Board may keep a register to be known as the "temporary register", in which shall be entered the name of every person who has received a degree within the meaning of section 6 or 7 but who has not met all the other requirements specified in section 6 or 7, as the case may be. Temporary
register
- (2) The temporary register shall be open to inspection by any person upon reasonable notice to the Board. Inspection
- (3) Upon granting registration in the temporary register, the Board may fix the fee payable by the person so registered and the conditions, limitations and restrictions applicable to such person. Conditions
of
registration
- (4) Upon any person so registered ceasing to comply with the conditions, limitations or restrictions applicable to such person, the Board may remove the name of the person from the temporary register. Removal
of name

R.S.O. 1960,
c. 316, s. 11,
subs. 3,
amended

3. Subsection 3 of section 11 of *The Psychologists Registration Act* is amended by adding at the end thereof "or to a person registered in the temporary register under section 10a", so that the subsection shall read as follows:

Exceptions

(3) This section does not apply to a duly qualified medical practitioner or to a person in the course of his employment by the Government of Canada, the Government of Ontario or a university, or to a person registered in the temporary register under section 10a.

Short title

4. This Act may be cited as *The Psychologists Registration Amendment Act, 1965*.

An Act to amend
The Psychologists Registration Act

1st Reading

March 11th, 1965

2nd Reading

March 23rd, 1965

3rd Reading

April 14th, 1965

MR. DYMOND

BILL 53

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Local Roads Boards Act, 1964

MR. MACNAUGHTON

EXPLANATORY NOTES

SECTION 1. This section redefines "owner" in order to clarify which persons are entitled to vote under this Act.

SECTION 2. The clause is re-enacted to restrict the persons eligible to be elected trustees to those persons who are present at the meeting.

SECTION 3. Self-explanatory.

BILL 53

1965

An Act to amend The Local Roads Boards Act, 1964

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *e* of section 1 of *The Local Roads Boards Act, 1964* <sup>1964, c. 56,
s. 1, cl. *e*,
re-enacted</sup> is repealed and the following substituted therefor:

- (*e*) "owner" means a person entitled to convey land and whose interest in the land is defined and whose name is specified in an instrument registered in the proper registry or land titles office, and includes a lessee of the Crown and a locatee under *The Public Lands Act*. <sup>R.S.O. 1960,
c. 324</sup>

2. Clause *a* of subsection 7 of section 7 of *The Local Roads Boards Act, 1964* <sup>1964, c. 56,
s. 7, subs. 7,
cl. *a*,
re-enacted</sup> is repealed and the following substituted therefor:

- (*a*) the owners of land in the area who are present at the meeting shall elect three of their number to be trustees of the board; and

3. Every local roads board established under *The Local Roads Boards Act, 1964* on or before the day upon which this Act came into force shall be deemed for all purposes to have been duly established in accordance with that Act. <sup>Existing
boards</sup>

4. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. <sup>Commence-
ment</sup>

5. This Act may be cited as *The Local Roads Boards Amendment Act, 1965*. ^{Short title}

An Act to amend
The Local Roads Boards Act, 1964

1st Reading

March 11th, 1965

2nd Reading

3rd Reading

MR. MACNAUGHTON

BILL 53

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Local Roads Boards Act, 1964

MR. MACNAUGHTON

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BILL 53

1965

**An Act to amend
The Local Roads Boards Act, 1964**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *e* of section 1 of *The Local Roads Boards Act, 1964* <sup>1964, c. 56,
s. 1, cl. *e*,
re-enacted</sup> is repealed and the following substituted therefor:

(*e*) "owner" means a person entitled to convey land and whose interest in the land is defined and whose name is specified in an instrument registered in the proper registry or land titles office, and includes a lessee of the Crown and a locatee under *The Public Lands Act*. <sup>R.S.O. 1960,
c. 324</sup>

2. Clause *a* of subsection 7 of section 7 of *The Local Roads Boards Act, 1964* <sup>1964, c. 56,
s. 7, subs. 7,
cl. *a*,
re-enacted</sup> is repealed and the following substituted therefor:

(*a*) the owners of land in the area who are present at the meeting shall elect three of their number to be trustees of the board; and

.

3. Every local roads board established under *The Local Roads Boards Act, 1964* on or before the day upon which this Act came into force shall be deemed for all purposes to have been duly established in accordance with that Act. <sup>Existing
boards</sup>

4. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. <sup>Commence-
ment</sup>

5. This Act may be cited as *The Local Roads Boards Amendment Act, 1965*. ^{Short title}

An Act to amend
The Local Roads Boards Act, 1964

1st Reading

March 11th, 1965

2nd Reading

March 23rd, 1965

3rd Reading

April 14th, 1965

MR. MACNAUGHTON

BILL 54

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Division Courts Act

MR. WISHART

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

EXPLANATORY NOTES

SECTION 1. The amendment dispenses with the separate day-book for fees. Entries in this book are a duplicate of those made in the procedure book.

SECTION 2. The provision defining the jurisdiction of division courts is simplified.

SECTION 3. The amendment dispenses with the requirement that the division court clerk send to each creditor under a consolidation order a semi-annual statement of the total distribution to all creditors.

BILL 54

1965

An Act to amend The Division Courts Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 37 of *The Division Courts Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 110, s. 37,
re-enacted

37. Every clerk and bailiff shall, on or before the 31st day of January in every year, make a return under oath to the Inspector showing the aggregate amount of fees, charges and emoluments that he became entitled to receive during the year that ended on the 31st day of December next preceding. Clerks' and
bailiffs'
returns to
Inspector

2.—(1) Section 54 of *The Division Courts Act*, as amended by section 3 of *The Division Courts Amendment Act, 1961-62*, is repealed and the following substituted therefor: R.S.O. 1960,
c. 110, s. 54,
re-enacted

54. Except as otherwise provided in this Act, a division court has jurisdiction in, Cases in
which court
has juris-
diction

- (a) any action where the amount claimed does not exceed \$400 exclusive of interest;
- (b) any action of replevin where the value of property distrained, taken or detained does not exceed \$400; and
- (c) any action or matter authorized by or under any Act to be heard in the division court.

(2) Subsection 1 does not apply to any action commenced before the 1st day of July, 1965. Application
of subs. 1

3. Subsection 2 of section 163 of *The Division Courts Act*, as amended by section 7 of *The Division Courts Amendment Act, 1961-62*, is further amended by striking out "send to each creditor" in the fourth line and inserting in lieu thereof "prepare", so that the subsection shall read as follows: R.S.O. 1960,
c. 110, s. 163,
subs. 2,
amended

Distribution

- (2) The clerk shall distribute the moneys paid into the consolidation account on account of the judgments at least once every six months, and at the time of distribution shall prepare a distribution sheet showing the total amount paid and the distribution thereof.

Short title

- 4.** This Act may be cited as *The Division Courts Amendment Act, 1965*.

1881-1882

1881-1882

1881-1882	1882-1883	1883-1884	1884-1885	1885-1886	1886-1887	1887-1888	1888-1889	1889-1890	1890-1891	1891-1892
1881-1882	1882-1883	1883-1884	1884-1885	1885-1886	1886-1887	1887-1888	1888-1889	1889-1890	1890-1891	1891-1892

An Act to amend
The Division Courts Act

1st Reading

March 11th, 1965

2nd Reading

3rd Reading

MR. WISHART

BILL 54

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Division Courts Act

MR. WISHART

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 54

1965

An Act to amend The Division Courts Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 37 of *The Division Courts Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 110, s. 37,
re-enacted

37. Every clerk and bailiff shall, on or before the 31st day of January in every year, make a return under oath to the Inspector showing the aggregate amount of fees, charges and emoluments that he became entitled to receive during the year that ended on the 31st day of December next preceding. Clerks' and
bailiffs'
returns to
Inspector

2.—(1) Section 54 of *The Division Courts Act*, as amended by section 3 of *The Division Courts Amendment Act, 1961-62*, is repealed and the following substituted therefor: R.S.O. 1960,
c. 110, s. 54,
re-enacted

54. Except as otherwise provided in this Act, a division court has jurisdiction in, Cases in
which court
has juris-
diction

(a) any action where the amount claimed does not exceed \$400 exclusive of interest;

(b) any action of replevin where the value of property distrained, taken or detained does not exceed \$400; and

(c) any action or matter authorized by or under any Act to be heard in the division court.

(2) Subsection 1 does not apply to any action commenced before the 1st day of July, 1965. Application
of subs. 1

3. Subsection 2 of section 163 of *The Division Courts Act*, as amended by section 7 of *The Division Courts Amendment Act, 1961-62*, is further amended by striking out "send to each creditor" in the fourth line and inserting in lieu thereof "prepare", so that the subsection shall read as follows: R.S.O. 1960,
c. 110, s. 163,
subs. 2,
amended

Distribution

- (2) The clerk shall distribute the moneys paid into the consolidation account on account of the judgments at least once every six months, and at the time of distribution shall prepare a distribution sheet showing the total amount paid and the distribution thereof.

Short title

4. This Act may be cited as *The Division Courts Amendment Act, 1965*.

An Act to amend
The Division Courts Act

1st Reading

March 11th, 1965

2nd Reading

March 23rd, 1965

3rd Reading

April 14th, 1965

MR. WISHART

BILL 55

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

The Remembrance Day Act, 1965

MR. REAUME



BILL 55

1965

The Remembrance Day Act, 1965

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

(a) "continuously operating plant" means,

(i) an industrial plant, or

(ii) an establishment, factory, works or undertaking in or about any industry,

in which operations once commenced normally continue day and night without cessation for at least seven days until the completion of the regularly scheduled operations for that period;

(b) "employee" means a person who is in receipt of, or entitled to, compensation for labour or services performed for another in an industry, but does not include an independent contractor;

(c) "employer" means a person, firm, corporation, agent, manager, representative, contractor, sub-contractor or principal having control or direction of, or responsible directly or indirectly for, the employment of an employee in an industry;

(d) "industry" means any establishment, works, undertaking, business, calling, trade, profession, work or occupation, excepting the business, work or occupation of farming;

(e) "performance" includes any game, match, sport, contest, exhibition, entertainment, dance, programme, theatrical presentation or motion picture presentation.

Prohibition
of work on
Remem-
brance Day

2. Except as herein provided, no person shall, on Remembrance Day,

- (a) sell, offer for sale or purchase any goods, chattels or other personal property or real property; or
- (b) for gain or reward, engage as employer or employee in any industry.

Where
Act not
applicable

3.—(1) Section 2 does not apply to,

- (a) the operation of hospitals or work for the relief of sickness or suffering;
- (b) the sale of drugs, medicines and surgical appliances by retail;
- (c) the operation of hotels and restaurants;
- (d) the work of policemen, firemen, furnace tenders, watchmen, janitors or domestic servants;
- (e) the effecting of emergency repairs;
- (f) subject to subsection 3, the operation of a continuously operating plant, except where the established cycle of operations would ordinarily begin or end on Remembrance Day;
- (g) the conveying of goods or travellers on railways or street railways or in other public conveyances, and work incidental thereto;
- (h) the caring for perishable products and live animals;
- (i) the sale of bread or milk;
- (j) the operation of a plant as defined in *The Milk Industry Act*, and the distribution of its products directly to the consumer;
- (k) the operation of a bakery for the baking of products for sale on the next succeeding day;
- (l) the conducting, in meat packing plants, of those processes that cannot be postponed without serious deterioration of meat quality, and the carrying on of such other operations as are necessary in receiving, paying for and shipping live stock and meat products;

R.S.O. 1960,
c. 239

- (m) the doing of any work without the doing of which on Remembrance Day electric current, heat, gas, light or water cannot be continuously supplied;
- (n) work incidental to the conducting of commemorative or religious services;
- (o) the operation of the office of a broker who is registered as such under *The Securities Act* and who, in the conduct of his business, has occasion on behalf of clients to transact business on Remembrance Day on stock exchanges outside the province; R.S.O. 1960,
c. 363
- (p) the publication of newspapers, including all work necessary for or incidental to the preparation, printing and distribution thereof; and
- (q) the completion, before 6 o'clock in the forenoon of Remembrance Day, of a regular shift or tour of duty commenced on the previous day, or the beginning, after 9 o'clock on the afternoon of Remembrance Day, of a regular shift or tour of duty continuing into the next following day.

(2) Nothing in subsection 1 exempts from the application of section 2 the sale in a druggist's or chemist's shop of goods or merchandise other than drugs, medicines and surgical appliances. Limited exemption respecting drug stores

(3) Where the established cycle of operations in a continuously operating plant would ordinarily begin or end on Remembrance Day, that cycle of operations shall be shortened so as to comply with this Act. Operations of continuously operating plant

(4) Section 2 does not apply to labour or services performed after 1 o'clock on the afternoon of Remembrance Day by employees engaged in the carrying on, giving, producing or conducting of a performance. Performances

(5) An employee, other than a watchman, furnace tender or janitor required to work or be on duty on Remembrance Day and receiving for that work or duty no more than the regular rate of pay, shall be granted, within thirty days before or after Remembrance Day, equivalent compensatory time off with pay at the regular rate. Time off in lieu of Remembrance Day

4. Every employer carrying on or engaged in an industry to which section 2 does not apply shall, subject to section 5, relieve the employees in the industry from duty, and suspend Suspension of work at 11 o'clock

the operations of the industry, for a period of three minutes, at one minute before 11 o'clock in the forenoon on Remembrance Day.

Permit for
emergency
work

5. In circumstances beyond human control and for which no other arrangements can be made, the Minister of Labour may grant a permit for the doing of work required in the circumstances to meet an emergency, and he may attach such conditions as he deems fair and reasonable in the circumstances.

Offence
and penalty

6.—(1) Any person who contravenes or neglects or fails to observe any provision of this Act is guilty of an offence and on summary conviction is liable to a fine not exceeding \$100.

Idem

(2) An employer who authorizes, directs or knowingly permits anything to be done in violation of any provision of this Act is guilty of an offence and on summary conviction is liable to a fine not exceeding \$300.

Short title

7. This Act may be cited as *The Remembrance Day Act, 1965*.

The Remembrance Day Act, 1965

1st Reading

March 11th, 1965

2nd Reading

3rd Reading

MR. RENVUE

BILL 56

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Summary Convictions Act

MR. WISHART

EXPLANATORY NOTE

Where a person is summoned and fails to appear, the present provision requires the summons to be reissued by the same justice who issued the first one. The amendment permits another justice to reissue the summons.

BILL 56

1965

An Act to amend The Summary Convictions Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 8 of section 6 of *The Summary Convictions Act* is amended by adding at the end thereof "and the justice who issues such summons may be a justice other than the one who received the information", so that the subsection shall read as follows:

R.S.O. 1960,
c. 387, s. 6,
subs. 8,
amended

- (8) Where a summons sent by prepaid post is deemed not to have been served, another summons shall be issued and served in the manner prescribed by subsection 7, and the justice who issues such summons may be a justice other than the one who received the information.

Where
mailed
summons
deemed not
served

2. This Act may be cited as *The Summary Convictions Amendment Act, 1965*.

Short title

An Act to amend
The Summary Convictions Act

1st Reading

March 11th, 1965

2nd Reading

3rd Reading

MR. WISHART

BILL 56

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Summary Convictions Act

MR. WISHART

THE UNIVERSITY OF CHICAGO
 LIBRARY

THE UNIVERSITY OF CHICAGO LIBRARY

THE UNIVERSITY OF CHICAGO LIBRARY

BILL 56

1965

An Act to amend The Summary Convictions Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 8 of section 6 of *The Summary Convictions Act* is amended by adding at the end thereof "and the justice who issues such summons may be a justice other than the one who received the information", so that the subsection shall read as follows:

R.S.O. 1960,
c. 387, s. 6,
subs. 8,
amended

(8) Where a summons sent by prepaid post is deemed not to have been served, another summons shall be issued and served in the manner prescribed by subsection 7, and the justice who issues such summons may be a justice other than the one who received the information.

Where
mailed
summons
deemed not
served

2. This Act may be cited as *The Summary Convictions Amendment Act, 1965*.

Short title

An Act to amend
The Summary Convictions Act

1st Reading

March 11th, 1965

2nd Reading

March 23rd, 1965

3rd Reading

April 14th, 1965

MR. WISHART

BILL 57

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Department of Agriculture Act

MR. STEWART

EXPLANATORY NOTES

The present section 5b of the Act provides for the provincial guarantee of loans to farmers for the purpose of paying the costs of transporting water.

The section is re-enacted to extend the guarantee to loans made to farmers who incur damage from drought or army worm infestation for the purpose of purchasing hay and grain.

BILL 57

1965

An Act to amend The Department of Agriculture Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 5b of *The Department of Agriculture Act*, as enacted by section 2 of *The Department of Agriculture Amendment Act, 1964*, is repealed and the following substituted therefor: R.S.O. 1960,
c. 92, s. 5b
(1964, c. 19,
s. 2),
re-enacted

5b.—(1) Upon the recommendation of the Minister, the Lieutenant Governor in Council may, upon such terms as he deems proper, agree to guarantee and may guarantee the payment of any loan or any part thereof up to but not exceeding, Guarantee
of loans

(a) the principal sum of \$2,500 together with interest thereon made to farmers for the purpose of paying the costs of transporting water, including the costs, if any, of purchasing such water;

(b) the principal sum of \$4,500 together with interest thereon made to farmers who incur damage occasioned by drought or army worm infestation for the purpose of purchasing hay and grain to feed live stock and poultry.

(2) The form and manner of such guarantee shall be such as the Lieutenant Governor in Council approves, and the guarantee shall be signed by the Treasurer of Ontario or such other officer or officers as are designated by the Lieutenant Governor in Council, and, upon being so signed, the Province of Ontario is liable for the payment of the loan or part thereof and interest thereon guaranteed according to the terms of the guarantee. Form of
guarantee

**Payment of
guarantee**

- (3) The Lieutenant Governor in Council may make arrangements for supplying the money necessary to fulfil the requirements of any guarantee and to advance the amount necessary for that purpose out of the public funds of the Province.

**Commence-
ment**

- 2.** This Act shall be deemed to have come into force on the 20th day of August, 1964.

Short title

- 3.** This Act may be cited as *The Department of Agriculture Amendment Act, 1965*.



THE STATE OF NEW YORK

IN SENATE,

January 1st, 1872.

An Act to amend
The Department of Agriculture Act

1st Reading

March 11th, 1965

2nd Reading

3rd Reading

MR. STEWART

BILL 57

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Department of Agriculture Act

MR. STEWART

BILL 57 1965

An Act to amend The Department of Agriculture Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 5b of *The Department of Agriculture Act*, as enacted by section 2 of *The Department of Agriculture Amendment Act, 1964*, is repealed and the following substituted therefor: R.S.O. 1960,
c. 92, s. 5b
(1964, c. 19,
s. 2),
re-enacted

5b.—(1) Upon the recommendation of the Minister, the Lieutenant Governor in Council may, upon such terms as he deems proper, agree to guarantee and may guarantee the payment of any loan or any part thereof up to but not exceeding, Guarantee
of loans

(a) the principal sum of \$2,500 together with interest thereon made to farmers for the purpose of paying the costs of transporting water, including the costs, if any, of purchasing such water;

(b) the principal sum of \$4,500 together with interest thereon made to farmers who incur damage occasioned by drought or army worm infestation for the purpose of purchasing hay and grain to feed live stock and poultry.

(2) The form and manner of such guarantee shall be such as the Lieutenant Governor in Council approves, and the guarantee shall be signed by the Treasurer of Ontario or such other officer or officers as are designated by the Lieutenant Governor in Council, and, upon being so signed, the Province of Ontario is liable for the payment of the loan or part thereof and interest thereon guaranteed according to the terms of the guarantee. Form of
guarantee

Payment of
guarantee

- (3) The Lieutenant Governor in Council may make arrangements for supplying the money necessary to fulfil the requirements of any guarantee and to advance the amount necessary for that purpose out of the public funds of the Province.

Commence-
ment

- 2.** This Act shall be deemed to have come into force on the 20th day of August, 1964.

Short title

- 3.** This Act may be cited as *The Department of Agriculture Amendment Act, 1965*.

An Act to amend
The Department of Agriculture Act

1st Reading

March 11th, 1965

2nd Reading

March 23rd, 1965

3rd Reading

April 14th, 1965

MR. STEWART

BILL 58

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Farm Products Marketing Act

MR. STEWART

EXPLANATORY NOTES

SECTION 1—Subsection 1. The amendment authorizes the establishment of industry advisory committees.

An Act to amend The Farm Products Marketing Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 8 of *The Farm Products Marketing Act*, as amended by section 2 of *The Farm Products Marketing Amendment Act, 1961-62* and section 6 of *The Farm Products Marketing Amendment Act, 1962-63*, is further amended by adding thereto the following paragraphs:

R.S.O. 1960,
c. 137, s. 8,
subs. 1,
amended

15a. providing for the establishment, in connection with any plan, of advisory committees that may be empowered to advise and make recommendations to the local board or to any person or organization represented on the committee in respect of any of the following matters:

- i. the promotion of harmonious relationships between persons engaged in the production and marketing of the regulated product,
- ii. the promotion of greater efficiency in the production and marketing of the regulated product,
- iii. the prevention and correction of irregularities and inequities in the marketing of the regulated product,
- iv. the improvement of the quality and variety of the regulated product,
- v. the improvement of the circulation of market information respecting the regulated product,
- vi. without limiting the generality of any of the foregoing, any matter with respect to which the Board or the local board may be empowered to make regulations under this Act;

- 15b. determining the constitution of such advisory committees and regulating the practice and procedure of such committees.

R.S.O. 1960,
c. 137, s. 8,
subs. 1,
amended

(2) Subsection 1 of the said section 8 is further amended by adding thereto the following paragraph:

- 16a. providing for the establishment, in connection with any plan, of a conciliation board that may be empowered,

i. to endeavour to effect agreement on any matter referred to in paragraph 16 that a negotiating agency has failed to adopt or settle by agreement, and

ii. to recommend adoption of any agreement effected under subparagraph i to such negotiating agency.

R.S.O. 1960,
c. 137, s. 8,
subs. 1,
par. 19,
amended

(3) Paragraph 19 of subsection 1 of the said section 8 is amended by inserting after "agencies" in the second line "conciliation boards", so that the paragraph shall read as follows:

19. determining the constitution of such negotiating agencies, conciliation boards and boards of arbitration and regulating the practice and procedure of such agencies and boards.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Farm Products Marketing Amendment Act, 1965*.

Subsections 2 and 3. The amendments authorize the establishment of conciliation boards to assist in reaching agreement where a negotiating agency has failed to do so.

An Act to amend
The Farm Products Marketing Act

1st Reading

March 11th, 1965

2nd Reading

3rd Reading

MR. STEWART

BILL 58

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Farm Products Marketing Act

MR. STEWART

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An Act to amend The Farm Products Marketing Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 8 of *The Farm Products Marketing Act*, as amended by section 2 of *The Farm Products Marketing Amendment Act, 1961-62* and section 6 of *The Farm Products Marketing Amendment Act, 1962-63*, is further amended by adding thereto the following paragraphs:

R.S.O. 1960,
c. 137, s. 8,
subs. 1,
amended

15a. providing for the establishment, in connection with any plan, of advisory committees that may be empowered to advise and make recommendations to the local board or to any person or organization represented on the committee in respect of any of the following matters:

- i. the promotion of harmonious relationships between persons engaged in the production and marketing of the regulated product,
- ii. the promotion of greater efficiency in the production and marketing of the regulated product,
- iii. the prevention and correction of irregularities and inequities in the marketing of the regulated product,
- iv. the improvement of the quality and variety of the regulated product,
- v. the improvement of the circulation of market information respecting the regulated product,
- vi. without limiting the generality of any of the foregoing, any matter with respect to which the Board or the local board may be empowered to make regulations under this Act;

- 15b. determining the constitution of such advisory committees and regulating the practice and procedure of such committees.

R.S.O. 1960,
c. 137, s. 8,
subs. 1,
amended

(2) Subsection 1 of the said section 8 is further amended by adding thereto the following paragraph:

- 16a. providing for the establishment, in connection with any plan, of a conciliation board that may be empowered,

i. to endeavour to effect agreement on any matter referred to in paragraph 16 that a negotiating agency has failed to adopt or settle by agreement, and

ii. to recommend adoption of any agreement effected under subparagraph i to such negotiating agency.

R.S.O. 1960,
c. 137, s. 8,
subs. 1,
par. 19,
amended

(3) Paragraph 19 of subsection 1 of the said section 8 is amended by inserting after "agencies" in the second line "conciliation boards", so that the paragraph shall read as follows:

19. determining the constitution of such negotiating agencies, conciliation boards and boards of arbitration and regulating the practice and procedure of such agencies and boards.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Farm Products Marketing Amendment Act, 1965*.

An Act to amend
The Farm Products Marketing Act

1st Reading

March 11th, 1965

2nd Reading

March 23rd, 1965

3rd Reading

April 14th, 1965

MR. STEWART

BILL 59

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Confederation Centennial Act, 1962-63

MR. SPOONER

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

EXPLANATORY NOTE

The amendment deletes the requirement for the approval of the Lieutenant Governor in Council in connection with grants made by the Minister under subsection 2 of section 2 and provides for grants to Indian bands as provided for in subsection 2.

BILL 59

1965

**An Act to amend
The Confederation Centennial Act, 1962-63**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 2 of *The Confederation Centennial Act, 1962-63* is repealed and the following substituted therefor: 1962-63, c. 19, s. 2, subs. 2, re-enacted
- (2) The Minister, in accordance with the regulations, Idem, grants to municipalities may make grants out of the moneys that are appropriated therefor by the Legislature to any municipality, or to any band under the *Indian Act* (Canada) R.S.C. 1952, c. 149 that is permitted to control, manage and expend its revenue moneys under section 68 of that Act, for the cost of any project or event to be undertaken in observance or commemoration of the Centennial.
2. This Act comes into force on the day it receives Royal Assent. Commencement
3. This Act may be cited as *The Confederation Centennial Amendment Act, 1965*. Short title

An Act to amend
The Confederation Centennial Act, 1962-63

1st Reading

March 11th, 1965

2nd Reading

3rd Reading

MR. SPOONER

BILL 59

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Confederation Centennial Act, 1962-63

MR. SPOONER

THE UNIVERSITY OF CHICAGO
 LIBRARY

ANALYSIS OF THE UNIVERSITY OF CHICAGO LIBRARY

1950-1951

BILL 59

1965

**An Act to amend
The Confederation Centennial Act, 1962-63**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 2 of *The Confederation Centennial Act, 1962-63* is repealed and the following substituted therefor: 1962-63,
c. 19, s. 2,
subs. 2,
re-enacted
- (2) The Minister, in accordance with the regulations, Idem,
grants to
municipalities may make grants out of the moneys that are appropriated therefor by the Legislature to any municipality, or to any band under the *Indian Act* (Canada) R.S.C. 1952,
c. 149 that is permitted to control, manage and expend its revenue moneys under section 68 of that Act, for the cost of any project or event to be undertaken in observance or commemoration of the Centennial.
2. This Act comes into force on the day it receives Royal Assent. Commence-
ment
3. This Act may be cited as *The Confederation Centennial Amendment Act, 1965*. Short title

An Act to amend
The Confederation Centennial Act, 1962-63

1st Reading

March 11th, 1965

2nd Reading

March 23rd, 1965

3rd Reading

April 14th, 1965

MR. SPOONER

BILL 60

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Labour Relations Act

MR. MACDONALD

EXPLANATORY NOTE

The section repealed empowers a municipality to declare that *The Labour Relations Act* does not apply to it in its relations with its employees.

BILL 60

1965

An Act to amend The Labour Relations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 89 of *The Labour Relations Act* is repealed. R.S.O. 1960,
c. 202, s. 89,
repealed
2. This Act comes into force on the day it receives Royal Assent. Commence-
ment
3. This Act may be cited as *The Labour Relations Amendment Act, 1965*. Short title

An Act to amend
The Labour Relations Act

1st Reading

March 11th, 1965

2nd Reading

3rd Reading

MR. MacDONALD

BILL 61

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Election Act

MR. BRYDEN

THE STATE OF TEXAS,
COUNTY OF _____

Know all men by these presents, that _____

SECTION 1. The amendment requires the statement of a candidate's election expenses to be audited by a public accountant.

SECTION 2. The new provisions require central party organizations to file audited statements of their receipts and expenditures on account of election campaigns with the Chief Election Officer, where they will be available for public inspection.

BILL 61 *an Act to amend the Election Act* **1965**

An Act to amend The Election Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 191 of *The Election Act* is amended R.S.O. 1960, c. 118, s. 191, subs. 1, amended by inserting after "him" in the eleventh line "audited by a public accountant licensed under *The Public Accountancy Act*", so that the subsection shall read as follows:

- (1) A detailed statement of all money or its equivalent received as an election contribution, payment, loan, gift, advance or deposit and exceeding in amount or value \$50 and a detailed statement of all election expenses incurred by or on behalf of a candidate, including payments in respect of his personal expenses, shall, within three months after the election, or where, by reason of the death of the creditor, no claim has been sent in within such period of three months, then within one month after the claim has been sent in, be made out and signed by the official agent who has paid the same or by the candidate in case of payments made by him, audited by a public accountant licensed under *The Public Accountancy Act*, and delivered, with the bills and vouchers relating thereto, to the returning officer. Statement of election expenses, etc., to be sent by agent to R.O.

2. *The Election Act* is amended by adding thereto the following sections: R.S.O. 1960, c. 118, amended

- 192a.**—(1) A detailed statement of all money or its equivalent received as an election contribution, payment, loan, gift, advance or deposit and exceeding in amount or value \$50 and a detailed statement of all election expenses incurred by or on behalf of the central organization of a political interest represented in the election by more than twenty candidates shall, within six months after the election, be made out Statement of election contributions, expenses, etc.

R.S.O. 1960,
c. 317

by the treasurer or other officer responsible for the accounts of such central organization, certified by a public accountant licensed under *The Public Accountancy Act* and delivered to the Chief Election Officer.

Penalty for
default in
delivering
statements

- (2) Every treasurer or other officer who is in default in delivering an audited statement under subsection 1 is liable to a fine not exceeding \$25 for every day during which he is in default.

Preservation
and
inspection of
statement

- 192b. The Chief Election Officer shall preserve all such statements and shall, during the six months following their delivery to him, permit any voter to inspect them upon payment of a fee of 25 cents.

R.S.O. 1960,
c. 118,
amended

3. *The Election Act* is amended by adding thereto the following section:

Maximum
expenses of
candidate

- 194.—(1) The total expenses incurred in an election by a candidate or on his behalf other than by the central organization of a political party, including the personal expenses of the candidate as defined in subsection 2 of section 188, shall not exceed 20 cents for each person whose name has been entered on the polling list in a rural polling subdivision and 15 cents for each person whose name has been entered on the polling list in an urban subdivision in the electoral district concerned.

Maximum
expenses of
political
party

- (2) The total expenses incurred in an election by or on behalf of the central organization of a political party represented in the election by more than one candidate shall not exceed 15 cents for each person whose name has been entered on the polling lists in the electoral districts in which the political party is represented by a candidate.

Contributions

- (3) No person or organization shall publish or cause to be published any advertisement, poster, leaflet, handbill, pamphlet, book, or other printed matter, or any announcement or programme on radio or television, or shall contribute or cause to be contributed any other commodity or service for the benefit of a candidate or political party in an election without the consent in writing of the candidate's official agent or of a duly authorized representative of the political party, as the case may be, and, where such consent is given, the cost of the publishing and the value of the contribution, excluding free time contributed by a television or radio broadcasting

SECTION 3. The new section fixes maximum election expenses that may be incurred by candidates and parties and requires that goods or services contributed be acknowledged and included as expenses.

station or network of stations to all candidates in an electoral district or to all political parties represented in the election on a basis accepted by them, shall be included in the total election expenses referred to in subsections 1 and 2.

4. This Act comes into force on the day it receives Royal ^{Commence-}Assent.^{ment}

5. This Act may be cited as *The Election Amendment Act*,^{Short title} 1965.

An Act to amend The Election Act

1st Reading

March 15th, 1965

2nd Reading

3rd Reading

MR. BRYDEN

BILL 62

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Drainage Act, 1962-63

MR. SPOONER

EXPLANATORY NOTES

SECTION 1. At present, there is no time provided expressly within which the initiating municipality must send the copy of the provisional by-law to the other local municipalities. Section 29 is revised to specifically require the initiating municipality to send a copy within five days after the by-law is adopted.

SECTION 2. When a county assessment commissioner system is in effect, the council of the county can, under section 65a of *The Assessment Act*, constitute one or more courts of revision for each township, town and village in the county. This would then allow the county council to appoint one court of revision that would act in each municipality in the county and that, by virtue of subsection 2 of section 30 of *The Drainage Act, 1962-63*, would be the court of revision for each of the local municipalities. The amendment will permit the initiating municipality to constitute a local court of revision in drainage matters.

BILL 62

1965

An Act to amend The Drainage Act, 1962-63

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 29 of *The Drainage Act, 1962-63* is repealed and the following substituted therefor: 1962-63, c. 39, s. 29, re-enacted

29. The council of the initiating municipality shall, within five days after the adoption of the report, cause a copy of the provisional by-law and a notice of the sitting of the court of revision to be sent by prepaid mail to every other local municipality in which any land or road is assessed for the drainage works, and the council of the initiating municipality and every such other local municipality shall, within thirty days after the adoption of the report, cause a copy of the provisional by-law and a notice of the sitting of the court of revision to be sent by prepaid mail to each owner, as shown by the last revised assessment roll to be the owner of land in the municipality assessed for the drainage works, and to each person entitled to notice under subsection 4 of section 24. Copy of by-law to be sent to local municipalities and to owners

2. Section 30 of *The Drainage Act, 1962-63* is amended by adding thereto the following subsection: 1962-63, c. 39, s. 30, amended

(5) The council of an initiating municipality in a county that has passed a by-law appointing a county assessment commissioner under section 93a of *The Assessment Act* may by by-law provide that the court of revision for the trial of complaints under this Act shall be constituted under section 64 of *The Assessment Act*. Idem R.S.O. 1960, c. 23

3. This Act comes into force on the day it receives Royal Assent. Commencement

4. This Act may be cited as *The Drainage Amendment Act, 1965*. Short title

An Act to amend
The Drainage Act, 1962-63

1st Reading

March 17th, 1965

2nd Reading

3rd Reading

MR. SPOONER

BILL 62

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Drainage Act, 1962-63

MR. SPOONER

BILL 62

1965

An Act to amend The Drainage Act, 1962-63

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 29 of *The Drainage Act, 1962-63* is repealed and the following substituted therefor: 1962-63, c. 39, s. 29, re-enacted
 29. The council of the initiating municipality shall, within five days after the adoption of the report, cause a copy of the provisional by-law and a notice of the sitting of the court of revision to be sent by prepaid mail to every other local municipality in which any land or road is assessed for the drainage works, and the council of the initiating municipality and every such other local municipality shall, within thirty days after the adoption of the report, cause a copy of the provisional by-law and a notice of the sitting of the court of revision to be sent by prepaid mail to each owner, as shown by the last revised assessment roll to be the owner of land in the municipality assessed for the drainage works, and to each person entitled to notice under subsection 4 of section 24. Copy of by-law to be sent to local municipalities and to owners
2. Section 30 of *The Drainage Act, 1962-63* is amended by adding thereto the following subsection: 1962-63, c. 39, s. 30, amended
 - (5) The council of an initiating municipality in a county that has passed a by-law appointing a county assessment commissioner under section 93a of *The Assessment Act* may by by-law provide that the court of revision for the trial of complaints under this Act shall be constituted under section 64 of *The Assessment Act*. Idem R.S.O. 1960, c. 23
3. This Act comes into force on the day it receives Royal Assent. Commencement
4. This Act may be cited as *The Drainage Amendment Act, 1965*. Short title

An Act to amend
The Drainage Act, 1962-63

1st Reading

March 17th, 1965

2nd Reading

March 23rd, 1965

3rd Reading

April 14th, 1965

MR. SPOONER

BILL 63

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Municipal Franchise Extension Act

MR. SPOONER

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Section 6 is amended to permit persons on the resident voters' list to vote on questions where an affirmative vote would not result in the expenditure of funds.

EXPLANATORY NOTE

Section 6 is amended to permit persons on the resident voters' list to vote on questions where an affirmative vote would not result in the expenditure of funds.

Section 6a is new and is to make it clear that such persons can vote only on matters specifically referred to in section 6.

BILL 63

1965

An Act to amend The Municipal Franchise Extension Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 6 of *The Municipal Franchise Extension Act* is amended by inserting after "council" in the third line "and on questions upon which the opinion of the electors is to be obtained where no expenditure of funds would result from an affirmative vote", so that the section shall read as follows: R.S.O. 1960,
c. 254, s. 6,
amended

6. The certified resident voters' list is final and conclusive evidence that every person named thereon is entitled to vote at municipal elections for members of council and on questions upon which the opinion of the electors is to be obtained where no expenditure of funds would result from an affirmative vote, except, Effect of
certified
list

(a) persons not resident in the municipality on the day of polling; and

(b) persons guilty of corrupt practices at or in respect of the election in question, or since the list was certified.

2. *The Municipal Franchise Extension Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 254,
amended

6a. Notwithstanding any other Act, the persons named on the certified resident voters' list are not entitled to vote at a municipal election on any matter not specifically mentioned in section 6. Right to
vote on
matters
mentioned

3. This Act comes into force on the day it receives Royal Assent. Commence-
ment

4. This Act may be cited as *The Municipal Franchise Extension Amendment Act, 1965*. Short title

An Act to amend
The Municipal Franchise Extension Act

1st Reading

March 17th, 1965

2nd Reading

3rd Reading

MR. SPOONER

BILL 63

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Municipal Franchise Extension Act

MR. SPOONER

1. The first part of the report is devoted to the description of the work done during the year.

2. The second part of the report is devoted to the description of the work done during the year.

3. The third part of the report is devoted to the description of the work done during the year.

4. The fourth part of the report is devoted to the description of the work done during the year.

BILL 63

1965

An Act to amend The Municipal Franchise Extension Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 6 of *The Municipal Franchise Extension Act* R.S.O. 1960, c. 254, s. 6, amended is amended by inserting after "council" in the third line "and on questions upon which the opinion of the electors is to be obtained where no expenditure of funds would result from an affirmative vote", so that the section shall read as follows:

6. The certified resident voters' list is final and conclusive evidence that every person named thereon Effect of certified list is entitled to vote at municipal elections for members of council and on questions upon which the opinion of the electors is to be obtained where no expenditure of funds would result from an affirmative vote, except,
- (a) persons not resident in the municipality on the day of polling; and
 - (b) persons guilty of corrupt practices at or in respect of the election in question, or since the list was certified.

2. *The Municipal Franchise Extension Act* is amended by R.S.O. 1960, c. 254, amended adding thereto the following section:

- 6a. Notwithstanding any other Act, the persons named on the certified resident voters' list are not entitled to vote at a municipal election on any matter not specifically mentioned in section 6. Right to vote on matters mentioned

3. This Act comes into force on the day it receives Royal Assent. Commencement

4. This Act may be cited as *The Municipal Franchise Extension Amendment Act, 1965*. Short title

An Act to amend
The Municipal Franchise Extension Act

1st Reading

March 17th, 1965

2nd Reading

March 30th, 1965

3rd Reading

April 14th, 1965

MR. SPOONER

BILL 64

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Municipal Arbitrations Act

MR. SPOONER

EXPLANATORY NOTES

SECTIONS 1, 2 and 4. The amendments are for clarification only.

SECTION 3. Section 13 of the Act, which provides for the appointment of an assessor to sit with the Official Arbitrator, has never been used and is not necessary. It is, therefore, repealed.

BILL 64 1965

An Act to amend The Municipal Arbitrations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Municipal Arbitrations Act* is amended by striking out subsection 1, by renumbering subsections 2 and 3 as subsections 1 and 2 and by adding thereto the following subsections:

R.S.O. 1960,
c. 250, s. 1,
amended

(3) Where there is an Official Arbitrator for a municipality to which this Act applies,

Claims
against
municipality
having
Official
Arbitrator

(a) all claims for compensation or damages for land expropriated or injuriously affected under *The Municipal Act*; and

R.S.O. 1960,
c. 249

(b) all claims and questions arising under any lease or contract to which the municipality is a party and which by by-law or the terms of the lease or contract are to be determined by arbitration,

against the municipality or against such municipality and an adjoining municipality shall be heard and determined by the Official Arbitrator.

(4) Where a claim is against a municipality and an adjoining municipality, each of which has an Official Arbitrator, neither municipality shall be deemed to have an Official Arbitrator.

Claims
against
two
municipalities
having
Official
Arbitrators

2. Subsection 3 of section 2 of *The Municipal Arbitrations Act* is amended by striking out "subsection 2" in the second line and inserting in lieu thereof "subsection 1".

R.S.O. 1960,
c. 250, s. 2,
subs. 3,
amended

3. Section 13 of *The Municipal Arbitrations Act* is repealed.

R.S.O. 1960,
c. 250, s. 13,
repealed

R.S.O. 1960,
c. 250, s. 15,
subs. 1,
amended

4. Subsection 1 of section 15 of *The Municipal Arbitrations Act* is amended by inserting after "applies" in the first line "to cities having a population of not less than 100,000", so that the subsection shall read as follows:

Application
of Act

- (1) This Act extends and applies to cities having a population of not less than 100,000, to The Municipality of Metropolitan Toronto, the County of York and to the Township of York, and to any municipality the council of which by by-law declares that it is desirable that the municipality be brought within the provisions of this Act, and in such case this Act shall be read as though it had been expressly applied to such municipality by the terms thereof.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Municipal Arbitrations Amendment Act, 1965*.

An Act to amend
The Municipal Arbitrations Act

1st Reading

March 17th, 1965

2nd Reading

3rd Reading

MR. SPOONER

BILL 64

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Municipal Arbitrations Act

MR. SPOONER

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 64 1965

An Act to amend The Municipal Arbitrations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Municipal Arbitrations Act* is amended by striking out subsection 1, by renumbering subsections 2 and 3 as subsections 1 and 2 and by adding thereto the following subsections:

R.S.O. 1960,
c. 250, s. 1,
amended

(3) Where there is an Official Arbitrator for a municipality to which this Act applies,

Claims
against
municipality
having
Official
Arbitrator

(a) all claims for compensation or damages for land expropriated or injuriously affected under *The Municipal Act*; and

R.S.O. 1960,
c. 249

(b) all claims and questions arising under any lease or contract to which the municipality is a party and which by by-law or the terms of the lease or contract are to be determined by arbitration,

against the municipality or against such municipality and an adjoining municipality shall be heard and determined by the Official Arbitrator.

(4) Where a claim is against a municipality and an adjoining municipality, each of which has an Official Arbitrator, neither municipality shall be deemed to have an Official Arbitrator.

Claims
against two
municipi-
palities
having
Official
Arbitrators

2. Subsection 3 of section 2 of *The Municipal Arbitrations Act* is amended by striking out "subsection 2" in the second line and inserting in lieu thereof "subsection 1".

R.S.O. 1960,
c. 250, s. 2,
subs. 3,
amended

3. Section 13 of *The Municipal Arbitrations Act* is repealed.

R.S.O. 1960,
c. 250, s. 13,
repealed

R.S.O. 1960,
c. 250, s. 15,
subs. 1,
amended

4. Subsection 1 of section 15 of *The Municipal Arbitrations Act* is amended by inserting after "applies" in the first line "to cities having a population of not less than 100,000", so that the subsection shall read as follows:

Application
of Act

- (1) This Act extends and applies to cities having a population of not less than 100,000, to The Municipality of Metropolitan Toronto, the County of York and to the Township of York, and to any municipality the council of which by by-law declares that it is desirable that the municipality be brought within the provisions of this Act, and in such case this Act shall be read as though it had been expressly applied to such municipality by the terms thereof.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Municipal Arbitrations Amendment Act, 1965*.

An Act to amend
The Municipal Arbitrations Act

1st Reading

March 17th, 1965

2nd Reading

March 23rd, 1965

3rd Reading

April 14th, 1965

MR. SPOONER

BILL 65

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Minors' Protection Act

MR. REAUME

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Fig. 3.100

Figure 3.100 shows the results of the experiment. The data is presented in the following table.

EXPLANATORY NOTE

Self-explanatory.

BILL 65

1965

An Act to amend The Minors' Protection Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 1 of *The Minors' Protection Act* is amended by striking out "eighteen" in the third line and inserting in lieu thereof "sixteen", so that the subsection shall read as follows: R.S.O. 1960,
c. 243, s. 1,
subs. 1,
amended

(1) The keeper of a licensed billiard, pool or bagatelle Pool rooms,
etc. room, kept directly or indirectly for hire or gain, shall not admit thereto a child under sixteen years of age, or allow such a child to remain therein, unless the child is accompanied by his parent or legal guardian.

(2) Subsection 2 of the said section 1 is amended by striking out "eighteen" in the sixth line and inserting in lieu thereof "sixteen", so that the subsection shall read as follows: R.S.O. 1960,
c. 243, s. 1,
subs. 2,
amended

(2) This section does not apply to a child who is a Exception member of the family of the keeper or his servant, or who does not go to the billiard, pool or bagatelle room for the purpose of loitering or to play billiards, pool or bagatelle therein, nor where the keeper had reasonable cause to believe that the child was not under sixteen years of age.

2. Subsection 3 of section 3 of *The Minors' Protection Act* is amended by inserting after "under" in the second line "sixteen or" and by inserting after "age" in the second line "as the case may be", so that the subsection shall read as follows: R.S.O. 1960,
c. 243, s. 3,
subs. 3,
amended

(3) A person who appears to the judge or magistrate, Pre-
sumption
as to age as the case may be, to be under sixteen or eighteen

years of age, as the case may be, shall be deemed to be under that age unless it is found that he is in fact over that age.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Minors' Protection Amendment Act, 1965*.

An Act to amend
The Minors' Protection Act

1st Reading

March 17th, 1965

2nd Reading

3rd Reading

MR. REAUME

BILL 66

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Public Service Works on Highways Act

MR. MACNAUGHTON

Bill 111
An Act to amend the Highway Traffic Act
and to provide for the
better administration of the
Highway Traffic Act

EXPLANATORY NOTE

The purpose of this Bill is to clarify the rights and obligations of operating corporations and road authorities, as defined in the Act, with respect to the taking up, removal, etc., of appliances and works on or under highways.

BILL 66 1965

An Act to amend The Public Service Works on Highways Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Public Service Works on Highways Act* is amended by adding thereto the following clause: R.S.O. 1960,
c. 333, s. 1,
amended

(aa) "cost of labour" means,

- (i) the actual wages paid to all workmen up to and including the foremen for their time actually spent on the work and in travelling to and from the work, and the cost of food, lodging and transportation for such workmen where necessary for the proper carrying out of the work,
- (ii) the cost to the operating corporation of contributions related to such wages in respect of workmen's compensation, vacation pay, unemployment insurance, pension or insurance benefits and other similar benefits,
- (iii) the cost of using mechanical labour-saving equipment in the work,
- (iv) necessary transportation charges for equipment used in the work, and
- (v) the cost of explosives.

2. Section 2 of *The Public Service Works on Highways Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 333, s. 2,
re-enacted

- 2.—(1) Where in the course of constructing, reconstructing, changing, altering or improving a highway it becomes necessary to take up, remove or change the Notice to
operating
corporation
to take up
works

location of appliances or works placed on or under the highway by the operating corporation, the road authority may by notice in writing served personally or by registered mail require the operating corporation, without prejudice to their respective rights under section 3, so to do on or before the date specified in the notice.

Apportionment of costs of taking up

- (2) The road authority and the operating corporation may agree upon the apportionment of the cost of labour employed in such taking up, removal or change, but, subject to section 3, in default of agreement such cost shall be apportioned equally between the road authority and the operating corporation, and all other costs of the work shall be borne by the operating corporation.

Minimum time interval

- (3) The date specified in a notice under subsection 1 shall be at least thirty days after the date of the personal service or mailing of the notice.

Additional time

- (4) An operating corporation may, upon such notice as the judge of the county or district court of the county or district in which the work or the greater part of it is situate directs, apply to the judge for an order altering to a later date the date specified in the notice given under subsection 1, and, if the judge finds that the physical or technical difficulties in complying with the notice require additional time, he may make such order as he deems appropriate.

Compensation

- (5) Where a road authority incurs a loss or expense by reason of an operating corporation failing to take up, remove or change the location of appliances or works by the date specified in a notice given under subsection 1 or such date as altered by a judge under subsection 3, the operating corporation shall make due compensation to the road authority for such loss or expense, and a claim for compensation, if not agreed upon by the operating corporation and the road authority, shall be determined by the Ontario Municipal Board.

Commencement

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Public Service Works on Highways Amendment Act, 1965*.

• *Abstract of the Proceedings of the 4th International Conference on the Peaceful Uses of Atomic Energy, Geneva, 1955*. The conference was held in Geneva, Switzerland, from September 1 to 12, 1955. It was the first of a series of conferences on the peaceful uses of atomic energy, organized by the United Nations. The conference was attended by representatives of 32 countries. The main topics discussed were the development of atomic energy for peaceful purposes, the control of atomic energy, and the role of atomic energy in the world economy.

The conference was held in the Palais des Nations in Geneva. It was organized by the United Nations Secretariat. The conference was attended by representatives of 32 countries. The main topics discussed were the development of atomic energy for peaceful purposes, the control of atomic energy, and the role of atomic energy in the world economy. The conference was a success and it led to the signing of the Treaty of the Non-Proliferation of Nuclear Weapons in 1968.

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An Act to amend
The Public Service Works on Highways Act

1st Reading

March 18th, 1965

2nd Reading

3rd Reading

MR. MACNAUGHTON

BILL 66

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Public Service Works on Highways Act

MR. MACNAUGHTON

(Reprinted as amended by the Committee on Highways and Tourism)

EXPLANATORY NOTE

The purpose of this Bill is to clarify the rights and obligations of operating corporations and road authorities, as defined in the Act, with respect to the taking up, removal, etc., of appliances and works on or under highways.

BILL 66

1965

An Act to amend The Public Service Works on Highways Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Public Service Works on Highways Act* is amended by adding thereto the following clause: R.S.O. 1960,
c. 333, s. 1,
amended

(aa) "cost of labour" means,

- (i) the actual wages paid to all workmen up to and including the foremen for their time actually spent on the work and in travelling to and from the work, and the cost of food, lodging and transportation for such workmen where necessary for the proper carrying out of the work,
- (ii) the cost to the operating corporation of contributions related to such wages in respect of workmen's compensation, vacation pay, unemployment insurance, pension or insurance benefits and other similar benefits,
- (iii) the cost of using mechanical labour-saving equipment in the work,
- (iv) necessary transportation charges for equipment used in the work, and
- (v) the cost of explosives.

2. Section 2 of *The Public Service Works on Highways Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 333, s. 2,
re-enacted

- 2.—(1) Where in the course of constructing, reconstructing, changing, altering or improving a highway it becomes necessary to take up, remove or change the

Notice to
operating
corporation
to take up
works

location of appliances or works placed on or under the highway by the operating corporation, the road authority may by notice in writing served personally or by registered mail require the operating corporation, without prejudice to their respective rights under section 3, so to do on or before the date specified in the notice.

Apportionment of costs of taking up

- (2) The road authority and the operating corporation may agree upon the apportionment of the cost of labour employed in such taking up, removal or change, but, subject to section 3, in default of agreement such cost shall be apportioned equally between the road authority and the operating corporation, and all other costs of the work shall be borne by the operating corporation.

Minimum time interval

- (3) The date specified in a notice under subsection 1 shall be as agreed upon by the road authority and the operating corporation, but in default of agreement shall be not less than sixty days after the date of the personal service or mailing of the notice.

Additional time

- (4) An operating corporation may, upon such notice as the judge of the county or district court of the county or district in which the work or the greater part of it is situate directs, apply to the judge for an order altering to a later date the date specified in the notice given under subsection 1, and, if the judge finds that the physical or technical difficulties in complying with the notice require additional time, he may make such order as he deems appropriate.

Compensation

- (5) Where a road authority incurs a loss or expense by reason of an operating corporation neglecting to take up, remove or change the location of appliances or works by the date specified in a notice given under subsection 1 or such date as altered by a judge under subsection 4, the operating corporation shall make due compensation to the road authority for such loss or expense, and a claim for compensation, if not agreed upon by the operating corporation and the road authority, shall be determined by the Ontario Municipal Board.

Commencement

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Public Service Works on Highways Amendment Act, 1965*.

An Act to amend
The Public Service Works on Highways Act

1st Reading

March 18th, 1965

2nd Reading

March 23rd, 1965

3rd Reading

MR. MACNAUGHTON

*(Reprinted as amended by the Committee
on Highways and Tourism)*

BILL 66

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Public Service Works on Highways Act

MR. MACNAUGHTON

BILL 66

1965

**An Act to amend
The Public Service Works on Highways Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Public Service Works on Highways Act* R.S.O. 1960,
c. 333, s. 1,
amended is amended by adding thereto the following clause:

(aa) "cost of labour" means,

- (i) the actual wages paid to all workmen up to and including the foremen for their time actually spent on the work and in travelling to and from the work, and the cost of food, lodging and transportation for such workmen where necessary for the proper carrying out of the work,
- (ii) the cost to the operating corporation of contributions related to such wages in respect of workmen's compensation, vacation pay, unemployment insurance, pension or insurance benefits and other similar benefits,
- (iii) the cost of using mechanical labour-saving equipment in the work,
- (iv) necessary transportation charges for equipment used in the work, and
- (v) the cost of explosives.

2. Section 2 of *The Public Service Works on Highways Act* R.S.O. 1960,
c. 333, s. 2,
re-enacted is repealed and the following substituted therefor:

- 2.—(1) Where in the course of constructing, reconstructing, changing, altering or improving a highway it becomes necessary to take up, remove or change the Notice to
operating
corporation
to take up
works

location of appliances or works placed on or under the highway by the operating corporation, the road authority may by notice in writing served personally or by registered mail require the operating corporation, without prejudice to their respective rights under section 3, so to do on or before the date specified in the notice.

Apportionment of costs of taking up

- (2) The road authority and the operating corporation may agree upon the apportionment of the cost of labour employed in such taking up, removal or change, but, subject to section 3, in default of agreement such cost shall be apportioned equally between the road authority and the operating corporation, and all other costs of the work shall be borne by the operating corporation.

Minimum time interval

- (3) The date specified in a notice under subsection 1 shall be as agreed upon by the road authority and the operating corporation, but in default of agreement shall be not less than sixty days after the date of the personal service or mailing of the notice.

Additional time

- (4) An operating corporation may, upon such notice as the judge of the county or district court of the county or district in which the work or the greater part of it is situate directs, apply to the judge for an order altering to a later date the date specified in the notice given under subsection 1, and, if the judge finds that the physical or technical difficulties in complying with the notice require additional time, he may make such order as he deems appropriate.

Compensation

- (5) Where a road authority incurs a loss or expense by reason of an operating corporation neglecting to take up, remove or change the location of appliances or works by the date specified in a notice given under subsection 1 or such date as altered by a judge under subsection 4, the operating corporation shall make due compensation to the road authority for such loss or expense, and a claim for compensation, if not agreed upon by the operating corporation and the road authority, shall be determined by the Ontario Municipal Board.

Commencement

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Public Service Works on Highways Amendment Act, 1965*.

An Act to amend
The Public Service Works on Highways Act

1st Reading

March 18th, 1965

2nd Reading

March 23rd, 1965

3rd Reading

June 21st, 1965

MR. MACNAUGHTON

BILL 67

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Department of Municipal Affairs Act

MR. SPOONER

EXPLANATORY NOTES

SECTION 1. The amendment authorizes the licensing of municipal assessors by the Department.

SECTION 2. At present, one month's notice must be given to owners and other interested parties before property can be repaired or insured and the cost thereof added to the amount required to redeem the property. The amendment will permit the treasurer to insure the property without notice.

BILL 67

1965

An Act to amend The Department of Municipal Affairs Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *j* of section 10 of *The Department of Municipal Affairs Act* is amended by inserting after "auditor" in the third line "or a municipal assessor", so that the clause shall read as follows: R.S.O. 1960,
c. 98, s. 10,
cl. *j*,
amended

- (*j*) grant upon payment of the prescribed fee a licence to every person whom the Department deems qualified to perform the duties of a municipal auditor or a municipal assessor, and refuse, suspend or revoke any such licence. licensing
municipal
auditors or
municipal
assessors

2. Section 48 of *The Department of Municipal Affairs Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 98, s. 48,
re-enacted

48. Where land is vested in a municipality under section 47, the treasurer of the municipality may make any expenditure necessary, Insurance,
repairs

(*a*) to insure the land; or

(*b*) to keep the land in a proper state of repair, if he has sent by registered mail at least one month before making the expenditure a notice containing particulars of the proposed expenditure and an estimate of the cost thereof to the last known address of the assessed owner of the land and to all persons appearing by the records of the registry or land titles office and the sheriff's office to have an interest therein,

and the amount of such expenditure, with interest as provided in section 150 of *The Assessment Act*, may be added to the amount required to redeem the land. R.S.O. 1960,
c. 23

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Department of Municipal Affairs Amendment Act, 1965*.

An Act to amend
The Department of Municipal Affairs Act

1st Reading

March 22nd, 1965

2nd Reading

3rd Reading

MR. SPOONER

BILL 67

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Department of Municipal Affairs Act

MR. SPOONER

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Received from the Department of Chemistry, University of California, San Diego, La Jolla, California 92037

Contribution 1000 from the Department of Chemistry, University of California, San Diego, La Jolla, California 92037

Received 1970

BILL 67

1965

An Act to amend The Department of Municipal Affairs Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *j* of section 10 of *The Department of Municipal Affairs Act* is amended by inserting after "auditor" in the third line "or a municipal assessor", so that the clause shall read as follows: R.S.O. 1960,
c. 98, s. 10,
cl. *j*,
amended

(*j*) grant upon payment of the prescribed fee a licence to every person whom the Department deems qualified to perform the duties of a municipal auditor or a municipal assessor, and refuse, suspend or revoke any such licence. licensing
municipal
auditors or
municipal
assessors

2. Section 48 of *The Department of Municipal Affairs Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 98, s. 48,
re-enacted

48. Where land is vested in a municipality under section 47, the treasurer of the municipality may make any expenditure necessary, Insurance,
repairs

(*a*) to insure the land; or

(*b*) to keep the land in a proper state of repair, if he has sent by registered mail at least one month before making the expenditure a notice containing particulars of the proposed expenditure and an estimate of the cost thereof to the last known address of the assessed owner of the land and to all persons appearing by the records of the registry or land titles office and the sheriff's office to have an interest therein,

and the amount of such expenditure, with interest as provided in section 150 of *The Assessment Act*, may be added to the amount required to redeem the land. R.S.O. 1960,
c. 23

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Department of Municipal Affairs Amendment Act, 1965*.

An Act to amend
The Department of Municipal Affairs Act

1st Reading

March 22nd, 1965

2nd Reading

March 30th, 1965

3rd Reading

April 14th, 1965

MR. SPOONER

BILL 68

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Local Improvement Act

MR. SPOONER

EXPLANATORY NOTE

The definition of "published" is revised. It was recently held that publication in a newspaper that had general circulation but that was not published in the municipality was not sufficient as the definition required publication in the municipality or in an adjacent or neighbouring municipality.

BILL 68

1965

An Act to amend The Local Improvement Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 20 of section 1 of *The Local Improvement Act* R.S.O. 1960, c. 223, s. 1, par. 20, is repealed and the following substituted therefor: re-enacted

20. "published" means published in a daily or weekly newspaper which, in the opinion of the clerk, has such circulation within the municipality as to provide reasonable notice to those affected thereby, and "publication" has a corresponding meaning.

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Local Improvement Amend-ment Act, 1965*. Short title

An Act to amend
The Local Improvement Act

1st Reading

March 22nd, 1965

2nd Reading

3rd Reading

MR. SPOONER

BILL 68

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Local Improvement Act

MR. SPOONER

BILL 68

1965

An Act to amend The Local Improvement Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 20 of section 1 of *The Local Improvement Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 223, s. 1,
par. 20,
re-enacted

20. "published" means published in a daily or weekly newspaper which, in the opinion of the clerk, has such circulation within the municipality as to provide reasonable notice to those affected thereby, and "publication" has a corresponding meaning.

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. This Act may be cited as *The Local Improvement Amendment Act, 1965*.

Short title

An Act to amend
The Local Improvement Act

1st Reading

March 22nd, 1965

2nd Reading

March 30th, 1965

3rd Reading

April 14th, 1965

MR. SPOONER

BILL 69

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Public Utilities Act

MR. SPOONER

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

Section 111 of the Act provides that any person who contravenes the provisions of the Act shall be liable to a fine of not more than \$300.

Section 111 of the Act provides that any person who contravenes the provisions of the Act shall be liable to a fine of not more than \$300.

EXPLANATORY NOTE

The amendments increase the maximum penalties for offences under the Act from \$20 to \$300.

BILL 69

1965

An Act to amend The Public Utilities Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 12 of *The Public Utilities Act* is amended by R.S.O. 1960, c. 335, s. 12, striking out "\$20" in the twelfth line and inserting in lieu thereof "\$300", so that the section shall read as follows:

12. The corporation may pass by-laws for regulating the time, manner, extent and nature of the supply by the works, the building or persons to which and to whom the water shall be furnished, the price to be paid therefor, and every other matter or thing related to or connected therewith that it may be necessary or proper to regulate, in order to secure to the inhabitants of the municipality a continued and abundant supply of pure and wholesome water, and to prevent the practising of frauds upon the corporation with regard to the water so supplied, and for providing that for a contravention of any such by-law the offender is guilty of an offence and on summary conviction is liable to a fine of not more than \$300 or may be imprisoned without the option of a fine for a term of not more than one month.

2. Section 13 of *The Public Utilities Act* is amended by R.S.O. 1960, c. 335, s. 13, striking out "\$20" in the thirty-seventh line and inserting in lieu thereof "\$300".

3. Section 53 of *The Public Utilities Act* is amended by R.S.O. 1960, c. 335, s. 53, striking out "of not less than \$4 and not more than \$20" in the eighth and ninth lines and inserting in lieu thereof "of not more than \$300", so that the section shall read as follows:

53. Every person who wilfully or maliciously damages or causes or knowingly suffers to be damaged any meter, lamp, lustre, service pipe, conduit, wire, rod

or fitting belonging to the corporation, or wilfully impairs or knowingly suffers the same to be altered or impaired, so that the meter indicates less than the actual amount of the public utility that passes through it, is guilty of an offence and on summary conviction is liable to a fine, to the use of the corporation, of not more than \$300 and for the expenses of repairing or replacing the meter, lamp, lustre, service pipe, conduit, wire, rod or fitting and double the value of the surplus public utility so consumed, all of which is recoverable under *The Summary Convictions Act*.

R.S.O. 1960,
c. 387

R.S.O. 1960,
c. 335, s. 54,
amended

4. Section 54 of *The Public Utilities Act* is amended by striking out "of not less than \$4 and not more than \$20" in the seventh line and inserting in lieu thereof "of not more than \$300", so that the section shall read as follows:

Penalty
for injuring
public
utility
works

54. Every person who wilfully extinguishes any public lamp or light, or wilfully removes, destroys, damages, fraudulently alters or in any way injures any pipe, conduit, wire, rod, pedestal, post, plug, lamp or other apparatus or thing belonging to the corporation is guilty of an offence and on summary conviction is liable to a fine, to the use of the corporation, of not more than \$300, and is also liable for all damages occasioned thereby, which are recoverable under *The Summary Convictions Act*.

R.S.O. 1960,
c. 387

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Public Utilities Amendment Act, 1965*.

Die in der vorliegenden Arbeit behandelte Fragestellung ist im Grunde genommen eine Frage nach der Möglichkeit, die in der vorliegenden Arbeit behandelte Fragestellung zu beantworten. Die in der vorliegenden Arbeit behandelte Fragestellung ist im Grunde genommen eine Frage nach der Möglichkeit, die in der vorliegenden Arbeit behandelte Fragestellung zu beantworten.

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Die in der vorliegenden Arbeit behandelte Fragestellung ist im Grunde genommen eine Frage nach der Möglichkeit, die in der vorliegenden Arbeit behandelte Fragestellung zu beantworten.

An Act to amend The Public Utilities Act

1st Reading

March 22nd, 1965

2nd Reading

3rd Reading

MR. SPOONER

BILL 69

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Public Utilities Act

MR. SPOONER

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THE UNIVERSITY OF CHICAGO LIBRARY

BILL 69

1965

An Act to amend The Public Utilities Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 12 of *The Public Utilities Act* is amended by ^{R.S.O. 1960, c. 335, s. 12, amended} striking out "\$20" in the twelfth line and inserting in lieu thereof "\$300", so that the section shall read as follows:

12. The corporation may pass by-laws for regulating the time, manner, extent and nature of the supply by the works, the building or persons to which and to whom the water shall be furnished, the price to be paid therefor, and every other matter or thing related to or connected therewith that it may be necessary or proper to regulate, in order to secure to the inhabitants of the municipality a continued and abundant supply of pure and wholesome water, and to prevent the practising of frauds upon the corporation with regard to the water so supplied, and for providing that for a contravention of any such by-law the offender is guilty of an offence and on summary conviction is liable to a fine of not more than \$300 or may be imprisoned without the option of a fine for a term of not more than one month.

2. Section 13 of *The Public Utilities Act* is amended by ^{R.S.O. 1960, c. 335, s. 13, amended} striking out "\$20" in the thirty-seventh line and inserting in lieu thereof "\$300".

3. Section 53 of *The Public Utilities Act* is amended by ^{R.S.O. 1960, c. 335, s. 53, amended} striking out "of not less than \$4 and not more than \$20" in the eighth and ninth lines and inserting in lieu thereof "of not more than \$300", so that the section shall read as follows:

53. Every person who wilfully or maliciously damages or causes or knowingly suffers to be damaged any meter, lamp, lustre, service pipe, conduit, wire, rod

or fitting belonging to the corporation, or wilfully impairs or knowingly suffers the same to be altered or impaired, so that the meter indicates less than the actual amount of the public utility that passes through it, is guilty of an offence and on summary conviction is liable to a fine, to the use of the corporation, of not more than \$300 and for the expenses of repairing or replacing the meter, lamp, lustre, service pipe, conduit, wire, rod or fitting and double the value of the surplus public utility so consumed, all of which is recoverable under *The Summary Convictions Act*.

R.S.O. 1960,
c. 387

R.S.O. 1960,
c. 385, s. 54,
amended

4. Section 54 of *The Public Utilities Act* is amended by striking out "of not less than \$4 and not more than \$20" in the seventh line and inserting in lieu thereof "of not more than \$300", so that the section shall read as follows:

Penalty
for injuring
public
utility
works

54. Every person who wilfully extinguishes any public lamp or light, or wilfully removes, destroys, damages, fraudulently alters or in any way injures any pipe, conduit, wire, rod, pedestal, post, plug, lamp or other apparatus or thing belonging to the corporation is guilty of an offence and on summary conviction is liable to a fine, to the use of the corporation, of not more than \$300, and is also liable for all damages occasioned thereby, which are recoverable under *The Summary Convictions Act*.

R.S.O. 1960,
c. 387

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Public Utilities Amendment Act, 1965*.



1. The first part of the paper discusses the importance of the study of the history of the United States. It is argued that a knowledge of the past is essential for a full understanding of the present and for the development of a sound policy for the future. The author points out that the study of history is not only a means of acquiring knowledge, but also a means of developing the ability to think critically and to make sound judgments.

2. The second part of the paper discusses the importance of the study of the history of the United States. It is argued that a knowledge of the past is essential for a full understanding of the present and for the development of a sound policy for the future. The author points out that the study of history is not only a means of acquiring knowledge, but also a means of developing the ability to think critically and to make sound judgments.

3. The third part of the paper discusses the importance of the study of the history of the United States. It is argued that a knowledge of the past is essential for a full understanding of the present and for the development of a sound policy for the future. The author points out that the study of history is not only a means of acquiring knowledge, but also a means of developing the ability to think critically and to make sound judgments.

4. The fourth part of the paper discusses the importance of the study of the history of the United States. It is argued that a knowledge of the past is essential for a full understanding of the present and for the development of a sound policy for the future. The author points out that the study of history is not only a means of acquiring knowledge, but also a means of developing the ability to think critically and to make sound judgments.

5. The fifth part of the paper discusses the importance of the study of the history of the United States. It is argued that a knowledge of the past is essential for a full understanding of the present and for the development of a sound policy for the future. The author points out that the study of history is not only a means of acquiring knowledge, but also a means of developing the ability to think critically and to make sound judgments.

An Act to amend The Public Utilities Act

1st Reading

March 22nd, 1965

2nd Reading

March 30th, 1965

3rd Reading

April 14th, 1965

MR. SPOONER

BILL 70

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Trustee Act

MR. WISHART

THE AMENDMENT PERMITS THE INVESTMENT OF TRUST FUNDS IN SECURITIES OF THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT (THE WORLD BANK).

THE AMENDMENT PERMITS THE INVESTMENT OF TRUST FUNDS IN SECURITIES OF THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT (THE WORLD BANK).

EXPLANATORY NOTE

The amendment permits the investment of trust funds in securities of the International Bank for Reconstruction and Development (The World Bank).

BILL 70

1965

An Act to amend The Trustee Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 26 of *The Trustee Act* is amended by adding thereto the following clause: R.S.O. 1960,
c. 408, s. 26,
amended

(f) bonds, debentures or other securities issued or guaranteed by the International Bank for Reconstruction and Development established by the Agreement for an International Bank for Reconstruction and Development approved by the *Bretton Woods Agreements Act* (Canada), if the bonds, debentures or other securities are payable in the currency of Canada or the United States of America. Inter-
national
Bank for
Reconstruc-
tion and
Develop-
ment
R.S.C. 1952,
c. 19

2. This Act may be cited as *The Trustee Amendment Act*, Short title
1965.

An Act to amend The Trustee Act

1st Reading

March 22nd, 1965

2nd Reading

3rd Reading

MR. WISHART

BILL 70

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Trustee Act

MR. WISHART

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BILL 70

1965

An Act to amend The Trustee Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 26 of *The Trustee Act* is amended by adding thereto the following clause:

R.S.O. 1960,
c. 408, s. 26,
amended

- (f) bonds, debentures or other securities issued or guaranteed by the International Bank for Reconstruction and Development established by the Agreement for an International Bank for Reconstruction and Development approved by the *Bretton Woods Agreements Act* (Canada), if the bonds, debentures or other securities are payable in the currency of Canada or the United States of America.

Inter-
national
Bank for
Reconstruc-
tion and
Develop-
ment
R.S.C. 1952,
c. 19

2. This Act may be cited as *The Trustee Amendment Act*, Short title 1965.

EXPLANATORY NOTES

SECTION 1. Because facts alleged against the Crown may arise in any part of the government administration spread over Ontario, the new section is designed to give the Attorney General time to investigate and assess the question of liability and possible settlement before the action is commenced.

Where the claim is for injury due to non-repair of public property, the notice is similar to the notice now required in respect of similar municipal liability.

SECTION 2. The amendment provides that, where the Crown is to be examined for discovery, the Deputy Attorney General shall designate the official to attend, and, where the Crown is required to produce documents, the usual affidavit on production is replaced by a list, over the signature of the Deputy Attorney General.

BILL 71

1965

An Act to amend The Proceedings Against the Crown Act, 1962-63

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Proceedings Against the Crown Act, 1962-63* is ^{1962-63,} amended by adding thereto the following section: ^{c. 109,} ^{amended}

6a.—(1) Subject to subsection 3, except in the case of ^{Notice of} a counterclaim or claim by way of set-off, no action ^{claim} shall be commenced against the Crown unless the claimant has, at least sixty days before the commencement of the action, served on the Crown a notice of the claim containing sufficient particulars to identify the occasion out of which the claim arose, and the Attorney General may require such additional particulars as in his opinion are necessary to enable the claim to be investigated.

(2) Where a notice of a claim is served under subsection 1 ^{Limitation} before the expiration of the limitation period ^{period} applying ^{extended} to the commencement of an action for the claim and the sixty-day period referred to in subsection 1 expires after the expiration of the limitation period, the limitation period is extended to the end of seven days after the expiration of the sixty-day period.

(3) No proceedings shall be brought against the Crown ^{Notice of} under clause c of subsection 1 of section 5 unless the ^{claim for} breach of ^{duty} notice required by subsection 1 is served on the ^{respecting} Crown within ten days after the claim arose. ^{property}

2. Section 10 of *The Proceedings Against the Crown Act*, ^{1962-63,} *1962-63* is repealed and the following substituted therefor: ^{c. 109, s. 10,} ^{re-enacted}

10. In proceedings against the Crown, the rules of the ^{Discovery} court in which the proceedings are pending as to

discovery and inspection of documents and examination for discovery apply in the same manner as if the Crown were a corporation, except that,

- (a) the Crown may refuse to produce a document or to answer a question on the ground that the production or answer would be injurious to the public interest;
- (b) the person who shall attend to be examined for discovery shall be an official designated by the Deputy Attorney General; and
- (c) the Crown is not required to deliver an affidavit on production of documents for discovery and inspection, but a list of the documents that the Crown may be required to produce, signed by the Deputy Attorney General, shall be delivered.

Commence-
ment

3. This Act comes into force on the 1st day of July, 1965.

Short title

4. This Act may be cited as *The Proceedings Against the Crown Amendment Act, 1965*.

An Act to amend The Proceedings Against
the Crown Act, 1962-63

1st Reading

March 22nd, 1965

2nd Reading

3rd Reading

MR. WISHART

BILL 71

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Proceedings Against the Crown Act, 1962-63

MR. WISHART

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTES

SECTION 1. Because facts alleged against the Crown may arise in any part of the government administration spread over Ontario, the new section is designed to give the Attorney General time to investigate and assess the question of liability and possible settlement before the action is commenced.

Where the claim is for injury due to non-repair of public property, the notice is similar to the notice now required in respect of similar municipal liability.

SECTION 2. The amendment provides that, where the Crown is to be examined for discovery, the Deputy Attorney General shall designate the official to attend, and, where the Crown is required to produce documents, the usual affidavit on production is replaced by a list, over the signature of the Deputy Attorney General.

BILL 71

1965

An Act to amend The Proceedings Against the Crown Act, 1962-63

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Proceedings Against the Crown Act, 1962-63* is ^{1962-63,} amended by adding thereto the following section: ^{c. 109,} amended

- 6a.**—(1) Subject to subsection 3, except in the case of ^{Notice of} a counterclaim or claim by way of set-off, no action ^{claim} shall be commenced against the Crown unless the claimant has, at least sixty days before the commencement of the action, served on the Crown a notice of the claim containing sufficient particulars to identify the occasion out of which the claim arose, and the Attorney General may require such additional particulars as in his opinion are necessary to enable the claim to be investigated.
- (2) Where a notice of a claim is served under subsection 1 ^{Limitation} before the expiration of the limitation period ^{period} applying ^{extended} to the commencement of an action for the claim and the sixty-day period referred to in subsection 1 expires after the expiration of the limitation period, the limitation period is extended to the end of seven days after the expiration of the sixty-day period.
- (3) No proceedings shall be brought against the Crown ^{Notice of} under clause *c* of subsection 1 of section 5 unless the ^{claim for} notice required by subsection 1 is served on the ^{breach of} Crown within ten days after the claim arose. ^{duty} ^{respecting} ^{property}

2. Section 10 of *The Proceedings Against the Crown Act*, ^{1962-63,} *1962-63* is repealed and the following substituted therefor: ^{c. 109, s. 10,} re-enacted

- 10.** In proceedings against the Crown, the rules of the ^{Discovery} court in which the proceedings are pending as to

discovery and inspection of documents and examination for discovery apply in the same manner as if the Crown were a corporation, except that,

- (a) the Crown may refuse to produce a document or to answer a question on the ground that the production or answer would be injurious to the public interest;
- (b) the person who shall attend to be examined for discovery shall be an official designated by the Deputy Attorney General; and
- (c) the Crown is not required to deliver an affidavit on production of documents for discovery and inspection, but a list of the documents that the Crown may be required to produce, signed by the Deputy Attorney General, shall be delivered.

1962-63,
c. 109, s. 19,
repealed

3. Section 19 of *The Proceedings Against the Crown Act, 1962-63* is repealed.

Commence-
ment

4. This Act comes into force on the 1st day of July, 1965.

Short title

5. This Act may be cited as *The Proceedings Against the Crown Amendment Act, 1965*.

An Act to amend The Proceedings Against
the Crown Act, 1962-63

1st Reading

March 22nd, 1965

2nd Reading

April 8th, 1965

3rd Reading

MR. WISHART

(Reprinted as amended by the
Committee of the Whole House)

BILL 71

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Proceedings Against the Crown Act, 1962-63

MR. WISHART

TORONTO

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1840

BILL 71

1965

**An Act to amend
The Proceedings Against the Crown Act, 1962-63**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Proceedings Against the Crown Act, 1962-63* is ^{1962-63,} amended by adding thereto the following section: ^{c. 109,} ^{amended}

- 6a.**—(1) Subject to subsection 3, except in the case of ^{Notice of} a counterclaim or claim by way of set-off, no action ^{claim} for a claim shall be commenced against the Crown unless the claimant has, at least sixty days before the commencement of the action, served on the Crown a notice of the claim containing sufficient particulars to identify the occasion out of which the claim arose, and the Attorney General may require such additional particulars as in his opinion are necessary to enable the claim to be investigated.
- (2) Where a notice of a claim is served under subsection 1 ^{Limitation} before the expiration of the limitation period ^{period} applying ^{extended} to the commencement of an action for the claim and the sixty-day period referred to in subsection 1 expires after the expiration of the limitation period, the limitation period is extended to the end of seven days after the expiration of the sixty-day period.
- (3) No proceedings shall be brought against the Crown ^{Notice of} under clause c of subsection 1 of section 5 unless the ^{claim for} notice required by subsection 1 is served on the ^{breach of} Crown within ten days after the claim arose. ^{duty} ^{respecting} ^{property}

2. Section 10 of *The Proceedings Against the Crown Act*, ^{1962-63,} *1962-63* is repealed and the following substituted therefor: ^{c. 109, s. 10} ^{re-enacted}

- 10.** In proceedings against the Crown, the rules of the ^{Discovery} court in which the proceedings are pending as to

discovery and inspection of documents and examination for discovery apply in the same manner as if the Crown were a corporation, except that,

- (a) the Crown may refuse to produce a document or to answer a question on the ground that the production or answer would be injurious to the public interest;
- (b) the person who shall attend to be examined for discovery shall be an official designated by the Deputy Attorney General; and
- (c) the Crown is not required to deliver an affidavit on production of documents for discovery and inspection, but a list of the documents that the Crown may be required to produce, signed by the Deputy Attorney General, shall be delivered.

1962-63,
c. 109, s. 19,
repealed

3. Section 19 of *The Proceedings Against the Crown Act, 1962-63* is repealed.

Commence-
ment

4. This Act comes into force on the 1st day of July, 1965.

Short title

5. This Act may be cited as *The Proceedings Against the Crown Amendment Act, 1965*.

1st Reading

March 22nd, 1965

2nd Reading

April 8th, 1965

3rd Reading

April 14th, 1965

MR. WISHART

BILL 72

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Coroners Act

MR. WISHART

EXPLANATORY NOTES

SECTION 1. The amendment permits a coroner to be brought in from elsewhere for the purposes of a particular investigation.

SECTION 2. The amendment provides for certificate evidence as to the notification of a coroner of a death under the circumstances which are required to be reported.

SECTION 3. The supervising coroner is given authority to intervene in an investigation, and the right of the Crown attorney and the Attorney General to order intervention is retained.

SECTION 4—Subsection 1. The amendment ensures that the supervising coroner is kept informed of a decision that an inquest is unnecessary.

BILL 72 1965

An Act to amend The Coroners Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 5 of *The Coroners Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 69, s. 5,
amended

- (2) The supervising coroner may direct a coroner who is appointed for part of Ontario to perform the duties of a coroner in respect of a particular death in a part of Ontario that is outside the part for which he is appointed. Investiga-
tions by
coroner
outside his
jurisdiction

2. Section 7 of *The Coroners Act*, as re-enacted by section 3 of *The Coroners Amendment Act, 1960-61*, is amended by adding thereto the following subsection: R.S.O. 1960,
c. 69, s. 7
(1960-61,
c. 12, s. 3),
amended

- (2) A statement as to the notification or non-notification of a coroner under subsection 1, purporting to be certified by the coroner, is, without proof of the appointment or signature of the coroner, receivable in evidence as *prima facie* proof of the facts stated therein for all purposes in any action, proceeding or prosecution. Certificate
as evidence

3. Subsection 3 of section 10 of *The Coroners Act* is amended by inserting after "case" in the second line "except the supervising coroner or", so that the subsection shall read as follows: R.S.O. 1960,
c. 69, s. 10,
subs. 3,
amended

- (3) After the issue of the warrant, no other coroner shall issue a warrant or interfere in the case, except the supervising coroner or except under the instructions of the Attorney General or the Crown attorney. Jurisdiction

4.—(1) Subsection 1 of section 12 of *The Coroners Act*, as amended by section 5 of *The Coroners Amendment Act, 1960-61*, is further amended by inserting after "attorney" in the third line "and the supervising coroner", so that the subsection shall read as follows: R.S.O. 1960,
c. 69, s. 12,
subs. 1,
amended

Warrant for
burial where
inquest
unnecessary

- (1) Where the coroner determines that an inquest is unnecessary, he shall issue his warrant to bury the body, and shall forthwith transmit to the Crown attorney and the supervising coroner a signed statement setting forth briefly the result of the investigation and the grounds on which the warrant has been issued, and shall also forthwith transmit to the division registrar a notice of the death in the form prescribed by *The Vital Statistics Act*.

R.S.O. 1960,
c. 419

R.S.O. 1960,
c. 69, s. 12,
subs. 2,
amended

- (2) Subsection 2 of the said section 12 is amended by inserting after "Attorney General" in the second line "supervising coroner", so that the subsection shall read as follows:

Crown may
direct
inquest

- (2) Notwithstanding that the matters mentioned in subsection 1 have taken place, the Attorney General, supervising coroner or the Crown attorney may direct the coroner who determined that an inquest was unnecessary, or some other coroner, to hold an inquest upon the body, and the coroner to whom the direction is given shall forthwith issue his warrant for an inquest and hold it accordingly.

R.S.O. 1960,
c. 69, s. 15,
amended

5. Section 13 of *The Coroners Act*, as amended by section 6 of *The Coroners Amendment Act, 1960-61*, is further amended by inserting after "attorney" in the third line "and the supervising coroner", so that the section shall read as follows:

Warrant for
inquest

13. Where the coroner determines that an inquest is necessary, he shall issue his warrant for an inquest, and shall forthwith transmit to the Crown attorney and the supervising coroner a signed statement setting forth briefly the result of the investigation and the grounds upon which he determined that an inquest should be held.

R.S.O. 1960,
c. 69, s. 15,
re-enacted

6. Section 15 of *The Coroners Act* is repealed and the following substituted therefor:

Circum-
stances of
death
occurring
outside
jurisdiction

- 15.—(1) Where a coroner has issued his warrant to take possession of a body in his jurisdiction and it appears that the death resulted from any of the circumstances mentioned in section 7 and that such circumstances occurred at a place beyond his jurisdiction, he shall take possession of the body and shall view the body and make such further investigation as is required to enable him to determine whether or not a *post mortem* examination is required, and shall, with the consent of the Crown attorney in his jurisdiction,

Subsection 2. The supervising coroner is added as one authorized to order an inquest, in addition to the Attorney General and Crown attorney as at present.

SECTION 5. The amendment ensures that the supervising coroner is kept informed of a decision to hold an inquest.

SECTION 6. The section is re-enacted to clarify the intent. Subsection 3 is new.

SECTION 7. At present, the wreckage of an accident resulting in death cannot be preserved by the coroner until he has ordered an inquest. The amendment authorizes the coroner to preserve the wreckage at an earlier stage, namely, as soon as he has issued his warrant to take possession of the body.

SECTION 8. The amendment extends the cases where an inquest is compulsory from deaths in a penal or corrective institution to deaths of persons in the custody of such an institution, whether inside or outside the institution.

transfer the investigation to a coroner having jurisdiction in the place where the circumstances occurred.

- (2) The coroner to whom the investigation is transferred shall proceed with the investigation in the same manner as if he had issued the warrant to take possession of the body. Investigation and inquest
- (3) The coroner who refers an investigation to a coroner in another jurisdiction shall notify the supervising coroner of the transfer, and the supervising coroner shall assist in the transfer upon request. Notification of supervising coroner
- (4) The coroner who refers an investigation to a coroner in another jurisdiction shall transmit to him the report of the *post mortem* examination of the body, his signed statement setting forth briefly the result of his investigation and any written evidence to prove the fact of death and the identity of the body, and the report, signed statement and written evidence are admissible in evidence at any inquest that may be held. Transmitting results of first investigation

7. Subsection 1 of section 20 of *The Coroners Act* is amended by striking out "ordered an inquest upon" in the first line and inserting in lieu thereof "issued his warrant to take possession of" and by inserting after "may" in the third line "with the approval of the supervising coroner", so that the subsection shall read as follows: R.S.O. 1960, c. 69, s. 20, subs. 1, amended

- (1) Where a coroner has issued his warrant to take possession of the body of a person who has met death by violence in a wreck, the coroner may, with the approval of the supervising coroner, take charge of the wreckage and place one or more constables in charge of it so as to prevent persons from disturbing it until the jury at the inquest has viewed it, or the coroner has made such examination as he deems necessary. Power of coroner to take charge of wreckage

8. Section 22 of *The Coroners Act* is amended by striking out "Where a prisoner in a reformatory, industrial farm, training school, jail or lock-up dies" in the first and second lines and inserting in lieu thereof "Where a person dies while in the custody of an officer of a reformatory, industrial farm, jail or lock-up or while a ward of a training school" and by inserting after "charge" in the second line "thereof", so that the section shall read as follows: R.S.O. 1960, c. 69, s. 22, amended

Death of
person in
reformatory,
etc.

22. Where a person dies while in the custody of an officer of a reformatory, industrial farm, jail or lock-up or while a ward of a training school, the officer in charge thereof shall immediately give notice of the death to a coroner, and the coroner shall issue his warrant and hold an inquest upon the body.

R.S.O. 1960,
c. 69, s. 23
(1960-61,
c. 12, s. 9),
amended

9. Section 23 of *The Coroners Act*, as re-enacted by section 9 of *The Coroners Amendment Act, 1960-61*, is amended by adding thereto the following subsection:

Report

- (1a) The person who performs the *post mortem* examination shall forthwith report his findings in writing to the coroner who issued the warrant and shall send a copy of the report to the supervising coroner.

R.S.O. 1960,
c. 69, s. 25,
subs. 1,
amended

10. Subsection 1 of section 25 of *The Coroners Act* is amended by inserting after "by" in the second line "the supervising coroner", so that the subsection shall read as follows:

Witnesses

- (1) The coroner shall summon such persons to attend an inquest as he deems advisable or as are directed by the supervising coroner, the Crown attorney or the counsel for the Attorney General.

R.S.O. 1960,
c. 69, s. 26,
amended

11. Section 26 of *The Coroners Act* is amended by renumbering subsection 1 as subsection 1a and by adding thereto the following subsection:

Juries

- (1) Except as provided in subsection 3, every inquest shall be held with a jury.

R.S.O. 1960,
c. 69, s. 35,
amended

12. Section 35 of *The Coroners Act* is amended by adding at the end thereof "and shall transmit a copy of the verdict and recommendations to the supervising coroner", so that the section shall read as follows:

Return of
inquisition

35. The coroner shall forthwith, after an inquest, return the verdict or finding and every recognizance taken before him, with the evidence where the Attorney General or Crown attorney has ordered it to be transcribed, and the exhibits, to the Crown attorney, and shall transmit a copy of the verdict and recommendations to the supervising coroner.

R.S.O. 1960,
c. 69, s. 37,
amended

13. Section 37 of *The Coroners Act* is amended by adding thereto the following subsection:

SECTION 9. The provision added ensures that the coroner and the supervising coroner receive the pathologist's report.

SECTION 10. The supervising coroner is added as one who is authorized to require the attendance of witnesses at an inquest, in addition to the Crown attorney and counsel for the Attorney General as at present.

SECTION 11. The new subsection 1 is added for clarity.

SECTION 12. The amendment ensures that the supervising coroner is kept informed of the results and recommendations of inquests.

SECTION 13. The new subsection provides for the payment of investigating fees where two coroners are involved in an investigation under the circumstances set out in section 15 of the Act as re-enacted by section 6 of this Bill.

SECTION 14. The item added provides for the payment of living expenses to a juror at an inquest in the same manner as is now provided for a witness.

SECTION 15. The coroner or the Crown attorney may decide on the necessity of a witness remaining over-night at the place of the inquest.

SECTION 16. The fees for medical examinations and analyses in the course of a coroner's investigation are revised and more fully provided for.

- (1a) Where an investigation is made by more than one ^{Idem} coroner under section 15, the fee prescribed by Schedule A for the investigation shall be paid to each coroner making the investigation.

14. Schedule B to *The Coroners Act* is amended by adding thereto the following item: R.S.O. 1960,
c. 69,
Sched. B,
amended

3. Where a juror resides elsewhere than the place where the inquest was held and in the opinion of the coroner or the Crown attorney it is desirable that he remain over-night at such place, a sum equal to the amount reasonably and actually paid by him for living expenses, but not more than \$8 for each night.

15. Item 8 of Schedule C to *The Coroners Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 69,
Sched. C,
item 8,
re-enacted

8. Where a witness resides elsewhere than the place where the inquest was held and in the opinion of the Crown attorney or coroner it is desirable that he remain over-night at such place, a sum equal to the amount reasonably and actually paid by him for living expenses, but not more than \$8 for each night.

16. Items 3 and 4 of Schedule D to *The Coroners Act* are repealed and the following substituted therefor: R.S.O. 1960,
c. 69,
Sched. D,
items 3, 4,
re-enacted

- | | |
|--|-------|
| 3. For any other examination or analysis, such fee as is authorized by the coroner, but the fee shall not exceed \$15 without the approval of the supervising coroner. | |
| 4. For the use of facilities for autopsy in a hospital, for each autopsy..... | 25.00 |
| 5. For the use of facilities for autopsy in a place other than a hospital, for each autopsy..... | 20.00 |
| 6. For each mile necessarily travelled for the purpose of transporting a dead body for further investigation, upon the authorization of the coroner..... | .30 |
| 7. For each mile necessarily travelled in connection with an examination or analysis..... | .10 |

17. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

18. This Act may be cited as *The Coroners Amendment Act*, ^{Short title} 1965.

An Act to amend The Coroners Act

1st Reading

March 22nd, 1965

2nd Reading

3rd Reading

MR. WISHART

...

BILL 72

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Coroners Act

MR. WISHART

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BILL 72

1965

An Act to amend The Coroners Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 5 of *The Coroners Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 69, s. 5,
amended

- (2) The supervising coroner may direct a coroner who is appointed for part of Ontario to perform the duties of a coroner in respect of a particular death in a part of Ontario that is outside the part for which he is appointed. Investiga-
tions by
coroner
outside his
jurisdiction

2. Section 7 of *The Coroners Act*, as re-enacted by section 3 of *The Coroners Amendment Act, 1960-61*, is amended by adding thereto the following subsection: R.S.O. 1960,
c. 69, s. 7
(1960-61,
c. 12, s. 3),
amended

- (2) A statement as to the notification or non-notification of a coroner under subsection 1, purporting to be certified by the coroner, is, without proof of the appointment or signature of the coroner, receivable in evidence as *prima facie* proof of the facts stated therein for all purposes in any action, proceeding or prosecution. Certificate
as evidence

3. Subsection 3 of section 10 of *The Coroners Act* is amended by inserting after "case" in the second line "except the supervising coroner or", so that the subsection shall read as follows: R.S.O. 1960,
c. 69, s. 10,
subs. 3,
amended

- (3) After the issue of the warrant, no other coroner shall issue a warrant or interfere in the case, except the supervising coroner or except under the instructions of the Attorney General or the Crown attorney. Jurisdiction

4.—(1) Subsection 1 of section 12 of *The Coroners Act*, as amended by section 5 of *The Coroners Amendment Act, 1960-61*, is further amended by inserting after "attorney" in the third line "and the supervising coroner", so that the subsection shall read as follows: R.S.O. 1960,
c. 69, s. 12,
subs. 1,
amended

Warrant for
burial where
inquest
unnecessary

- (1) Where the coroner determines that an inquest is unnecessary, he shall issue his warrant to bury the body, and shall forthwith transmit to the Crown attorney and the supervising coroner a signed statement setting forth briefly the result of the investigation and the grounds on which the warrant has been issued, and shall also forthwith transmit to the division registrar a notice of the death in the form prescribed by *The Vital Statistics Act*.

R.S.O. 1960,
c. 419

R.S.O. 1960,
c. 69, s. 12,
subs. 2,
amended

- (2) Subsection 2 of the said section 12 is amended by inserting after "Attorney General" in the second line "supervising coroner", so that the subsection shall read as follows:

Crown may
direct
inquest

- (2) Notwithstanding that the matters mentioned in subsection 1 have taken place, the Attorney General, supervising coroner or the Crown attorney may direct the coroner who determined that an inquest was unnecessary, or some other coroner, to hold an inquest upon the body, and the coroner to whom the direction is given shall forthwith issue his warrant for an inquest and hold it accordingly.

R.S.O. 1960,
c. 69, s. 13,
amended

- 5.** Section 13 of *The Coroners Act*, as amended by section 6 of *The Coroners Amendment Act, 1960-61*, is further amended by inserting after "attorney" in the third line "and the supervising coroner", so that the section shall read as follows:

Warrant for
inquest

13. Where the coroner determines that an inquest is necessary, he shall issue his warrant for an inquest, and shall forthwith transmit to the Crown attorney and the supervising coroner a signed statement setting forth briefly the result of the investigation and the grounds upon which he determined that an inquest should be held.

R.S.O. 1960,
c. 69, s. 15,
re-enacted

- 6.** Section 15 of *The Coroners Act* is repealed and the following substituted therefor:

Circum-
stances of
death
occurring
outside
jurisdiction

- 15.—(1) Where a coroner has issued his warrant to take possession of a body in his jurisdiction and it appears that the death resulted from any of the circumstances mentioned in section 7 and that such circumstances occurred at a place beyond his jurisdiction, he shall take possession of the body and shall view the body and make such further investigation as is required to enable him to determine whether or not a *post mortem* examination is required, and shall, with the consent of the Crown attorney in his jurisdiction,

transfer the investigation to a coroner having jurisdiction in the place where the circumstances occurred.

- (2) The coroner to whom the investigation is transferred shall proceed with the investigation in the same manner as if he had issued the warrant to take possession of the body. Investigation and inquest
- (3) The coroner who refers an investigation to a coroner in another jurisdiction shall notify the supervising coroner of the transfer, and the supervising coroner shall assist in the transfer upon request. Notification of supervising coroner
- (4) The coroner who refers an investigation to a coroner in another jurisdiction shall transmit to him the report of the *post mortem* examination of the body, his signed statement setting forth briefly the result of his investigation and any written evidence to prove the fact of death and the identity of the body, and the report, signed statement and written evidence are admissible in evidence at any inquest that may be held. Transmitting results of first investigation

7. Subsection 1 of section 20 of *The Coroners Act* is amended by striking out "ordered an inquest upon" in the first line and inserting in lieu thereof "issued his warrant to take possession of" and by inserting after "may" in the third line "with the approval of the supervising coroner", so that the subsection shall read as follows: R.S.O. 1960, c. 69, s. 20, subs. 1, amended

- (1) Where a coroner has issued his warrant to take possession of the body of a person who has met death by violence in a wreck, the coroner may, with the approval of the supervising coroner, take charge of the wreckage and place one or more constables in charge of it so as to prevent persons from disturbing it until the jury at the inquest has viewed it, or the coroner has made such examination as he deems necessary. Power of coroner to take charge of wreckage

8. Section 22 of *The Coroners Act* is amended by striking out "Where a prisoner in a reformatory, industrial farm, training school, jail or lock-up dies" in the first and second lines and inserting in lieu thereof "Where a person dies while in the custody of an officer of a reformatory, industrial farm, jail or lock-up or while a ward of a training school" and by inserting after "charge" in the second line "thereof", so that the section shall read as follows: R.S.O. 1960, c. 69, s. 22, amended

Death of
person in
reformatory,
etc.

22. Where a person dies while in the custody of an officer of a reformatory, industrial farm, jail or lock-up or while a ward of a training school, the officer in charge thereof shall immediately give notice of the death to a coroner, and the coroner shall issue his warrant and hold an inquest upon the body.

R.S.O. 1960,
c. 69, s. 23
(1960-61,
c. 12, s. 9),
amended

9. Section 23 of *The Coroners Act*, as re-enacted by section 9 of *The Coroners Amendment Act, 1960-61*, is amended by adding thereto the following subsection:

Report

- (1a) The person who performs the *post mortem* examination shall forthwith report his findings in writing to the coroner who issued the warrant and shall send a copy of the report to the supervising coroner.

R.S.O. 1960,
c. 69, s. 25,
subs. 1,
amended

10. Subsection 1 of section 25 of *The Coroners Act* is amended by inserting after "by" in the second line "the supervising coroner", so that the subsection shall read as follows:

Witnesses

- (1) The coroner shall summon such persons to attend an inquest as he deems advisable or as are directed by the supervising coroner, the Crown attorney or the counsel for the Attorney General.

R.S.O. 1960,
c. 69, s. 26,
amended

11. Section 26 of *The Coroners Act* is amended by renumbering subsection 1 as subsection 1a and by adding thereto the following subsection:

Juries

- (1) Except as provided in subsection 3, every inquest shall be held with a jury.

R.S.O. 1960,
c. 69, s. 35,
amended

12. Section 35 of *The Coroners Act* is amended by adding at the end thereof "and shall transmit a copy of the verdict and recommendations to the supervising coroner", so that the section shall read as follows:

Return of
inquisition

35. The coroner shall forthwith, after an inquest, return the verdict or finding and every recognizance taken before him, with the evidence where the Attorney General or Crown attorney has ordered it to be transcribed, and the exhibits, to the Crown attorney, and shall transmit a copy of the verdict and recommendations to the supervising coroner.

R.S.O. 1960,
c. 69, s. 37,
amended

13. Section 37 of *The Coroners Act* is amended by adding thereto the following subsection:

- (1a) Where an investigation is made by more than one ^{Idem} coroner under section 15, the fee prescribed by Schedule A for the investigation shall be paid to each coroner making the investigation.

14. Schedule B to *The Coroners Act* is amended by adding thereto the following item: R.S.O. 1960,
c. 69,
Sched. B,
amended

3. Where a juror resides elsewhere than the place where the inquest was held and in the opinion of the coroner or the Crown attorney it is desirable that he remain over-night at such place, a sum equal to the amount reasonably and actually paid by him for living expenses, but not more than \$8 for each night.

15. Item 8 of Schedule C to *The Coroners Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 69,
Sched. C,
item 8,
re-enacted

8. Where a witness resides elsewhere than the place where the inquest was held and in the opinion of the Crown attorney or coroner it is desirable that he remain over-night at such place, a sum equal to the amount reasonably and actually paid by him for living expenses, but not more than \$8 for each night.

16. Items 3 and 4 of Schedule D to *The Coroners Act* are repealed and the following substituted therefor: R.S.O. 1960,
c. 69,
Sched. D,
items 3, 4,
re-enacted

- | | |
|--|-------|
| 3. For any other examination or analysis, such fee as is authorized by the coroner, but the fee shall not exceed \$15 without the approval of the supervising coroner. | |
| 4. For the use of facilities for autopsy in a hospital, for each autopsy..... | 25.00 |
| 5. For the use of facilities for autopsy in a place other than a hospital, for each autopsy..... | 20.00 |
| 6. For each mile necessarily travelled for the purpose of transporting a dead body for further investigation, upon the authorization of the coroner..... | .30 |
| 7. For each mile necessarily travelled in connection with an examination or analysis..... | .10 |

17. This Act comes into force on the day it receives Royal Assent. Commence-
ment

18. This Act may be cited as *The Coroners Amendment Act*, Short title
1965.

1st Reading

March 22nd, 1965

2nd Reading

April 8th, 1965

3rd Reading

April 14th, 1965

MR. WISHART

BILL 73

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

The Private Investigators and Security Guards Act, 1965

MR. WISHART

EXPLANATORY NOTE

The Private Investigators Act was re-enacted in 1958. The Act is rewritten in the light of experience and widened to include security guards.

BILL 73

1965

The Private Investigators and Security Guards Act, 1965

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Commissioner" means the Commissioner of the Ontario Provincial Police Force;
- (b) "licence" means a licence under this Act;
- (c) "licensee" means the holder of a licence under this Act;
- (d) "private investigator" means a person who investigates and furnishes information for hire or reward, including a person who,
 - (i) obtains and furnishes information as to the personal character or actions of a person, or the character or kind of business or occupation of a person,
 - (ii) searches for offenders against the law, or
 - (iii) searches for missing persons or property;
- (e) "Registrar" means the Registrar of Private Investigators and Security Guards;
- (f) "regulations" means the regulations made under this Act;
- (g) "security guard" means a person who, for hire or reward, guards or patrols for the purpose of protecting persons or property. R.S.O. 1960, c. 306, s. 1, *amended*.

Application
of Act

2. This Act does not apply to,

- (a) barristers or solicitors in the practise of their profession or students-at-law;
- (b) persons engaged in the business of furnishing to its own subscribers information obtained from its own subscribers, and not otherwise engaging in the business of a private investigator, and the employees of persons so engaged;
- (c) members of the Corps of Commissionaires while acting within the objects of its incorporation;
- (d) a member of a police force who is acting as a peace officer;
- (e) insurance adjusters and their employees licensed under *The Insurance Act* while acting in the usual and regular scope of their employment;
- (f) insurance companies and their employees licensed under *The Insurance Act* while acting in the usual and regular scope of their employment;
- (g) private investigators and security guards who are permanently employed by one employer and whose work is confined to the premises of that employer;
- (h) employees of a municipality as defined in *The Department of Municipal Affairs Act* while acting within the scope of their employment;
- (i) persons residing outside Ontario who are *bona fide* employees of private investigation or security guard agencies licensed or registered in a jurisdiction outside Ontario who,
 - (i) on behalf of an employer or client who resides outside Ontario, make an investigation or inquiry partly outside Ontario and partly within Ontario, and
 - (ii) come into Ontario solely for the purpose of such investigation or inquiry; and
- (j) any class of persons exempted by the regulations. R.S.O. 1960, c. 306, s. 2, *amended*.

R.S.O. 1960,
c. 190

R.S.O. 1960,
c. 98

3. There shall be a Registrar of Private Investigators and Security Guards who may exercise the powers and shall discharge the duties vested in or imposed upon him by this Act or the regulations, under the direction of the Commissioner.
New.

4.—(1) No person shall,

Licences

- (a) engage in the business of providing private investigators or security guards;
- (b) operate a branch office or place at which the public is invited to deal in the conduct of the business of providing private investigators or security guards; or
- (c) act as a private investigator or security guard,

unless he is the holder of a licence therefor. R.S.O. 1960, c. 306, ss. 3, 4, *amended*.

(2) No person shall hold himself out as acting as a private investigator or a security guard or as being engaged in the business of providing private investigators or security guards unless he is licensed under this Act. R.S.O. 1960, c. 306, s. 5, *amended*.

Holding out

5.—(1) Every applicant for a licence to engage in the business of providing private investigators or security guards shall apply to the Registrar for the licence and the licences for each branch office and each employee who is a private investigator or security guard, if any, upon the prescribed form which shall be accompanied by the prescribed fees and a bond in the prescribed amount and form. R.S.O. 1960, c. 306, s. 6 (1), *amended*.

Application for licence

(2) The bond shall be,

Type of bond

- (a) a personal bond accompanied by collateral security;
- (b) a bond of a guarantee company approved under *The Guarantee Companies Securities Act*; or
- (c) a bond of a guarantor, other than a guarantee company, accompanied by collateral security.

R.S.O. 1960, c. 168

(3) The collateral security shall be negotiable securities of the classes prescribed by the regulations, not less in value than the sum secured by the bond, and shall be deposited with the Treasurer of Ontario. R.S.O. 1960, c. 306, s. 6 (2, 3).

Collateral security

Employer
to ensure
employees
licensed

(4) No person engaged in the business of providing private investigators or security guards shall employ as a private investigator or security guard a person who is not the holder of a licence. *New.*

Address for
service

6.—(1) Every applicant for a licence shall state in the application an address for service in Ontario, and all notices under this Act or the regulations are sufficiently given or served for all purposes if sent by registered mail or delivered to the latest address for service so stated. *New.*

Notice of
changes in
business

(2) Every person licensed to engage in the business of providing private investigators or security guards shall within five days notify the Registrar in writing of,

- (a) any change in his address for service or in the address of any place at which he carries on business or at which he invites the public to deal;
- (b) any change in the officers or members in the case of an association of individuals, partnership or corporation; and
- (c) any termination of employment of a private investigator or security guard. R.S.O. 1960, c. 306, s. 12, *amended.*

Investiga-
tion of
applicant

7.—(1) The Registrar or any person authorized by him may make such inquiry and investigation as he deems sufficient regarding the character, financial position and competence of an applicant or licensee and may require an applicant to try such examinations to determine competence as the Registrar deems necessary. *New.*

Further
information

(2) The Registrar may require further information or material to be submitted by an applicant or a licensee and may require verification by affidavit or otherwise of any information or material then or previously submitted. R.S.O. 1960, c. 306, s. 6 (4), *amended.*

Issuance
of licence

8.—(1) The Registrar shall issue a licence or renewal of a licence where in the opinion of the Registrar the proposed licensing is not against the public interest, and the licence may be subject to terms and conditions. R.S.O. 1960, c. 306, s. 7, *part, amended.*

Hearings

(2) The Registrar shall not refuse to grant or refuse to renew a licence without giving the applicant an opportunity to be heard. *New.*

9.—(1) Where a person applies for a licence to act as a private investigator or security guard, the Registrar may, pending his decision, issue a temporary licence to so act for a period stated in the licence but not exceeding three months. *New.* Temporary licence

(2) Where a person who is licensed to engage in the business of providing private investigators or security guards dies, the Registrar may grant to his executor or administrator a temporary licence, and all licensed employees of a deceased licensee at the time of his death shall be deemed to be licensed as employees of such executor or administrator. R.S.O. 1960, c. 306, s. 8 (1, 2), *amended.* Idem

(3) Every temporary licence terminates in accordance with the regulations. R.S.O. 1960, c. 306, s. 9 (3). Termination of temporary licences

10. A licence is not transferable. *New.* Transfers

11.—(1) Every licence and renewal of licence, other than a temporary licence, expires on the 31st day of March in each year. R.S.O. 1960, c. 306, s. 9 (1), *part, amended.* Expiry of licences

(2) Every applicant for renewal of a licence to engage in the business of providing private investigators or security guards shall, on or before the 1st day of March in each year, apply to the Registrar for the renewal of the licence and the renewal of the licences for each branch office and each employee who is a private investigator or security guard, if any, upon the prescribed form which shall be accompanied by the prescribed fees. R.S.O. 1960, c. 306, s. 9 (1), *part, amended.* Renewals

12. Immediately upon the receipt of a licence to engage in the business of providing private investigators or security guards, the licensee shall cause it to be displayed in a conspicuous place in the office or branch office of the business for which it is issued. R.S.O. 1960, c. 306, s. 11, *amended.* Displaying licence

13.—(1) The licence of a private investigator or security guard is cancelled upon the termination of the employment in respect of which it was issued. Cancellation of licence on termination of employment

(2) When a licensed private investigator or security guard ceases to be employed as such, he shall give his licence and identification card immediately to his employer who shall forward them to the Registrar. Idem

(3) Every person who is licensed to engage in the business of providing private investigators or security guards shall immediately upon the termination of such business forward Surrender of licences and identification cards

to the Registrar his licence and identification card together with the licences and identification cards of his employees. R.S.O. 1960, c. 306, s. 9 (2), *amended*.

Suspension
and cancel-
lation

14. The Registrar may, after giving the licensee an opportunity to be heard, suspend or cancel a licence where,

1953-54,
c. 51 (Can.)

- (a) the licensee is convicted of an offence under the *Criminal Code* (Canada) or under this Act or the regulations;
- (b) the licensee is in breach of a term or condition of the licence; or
- (c) in the opinion of the Registrar, to do so is in the public interest. R.S.O. 1960, c. 306, s. 7, *part, amended*.

Reasons

15. Where the Registrar refuses to grant a licence or renewal of a licence, or suspends or cancels a licence, he shall, upon the request of the person whose licence or right to a licence is affected, give written reasons for his decision. *New*.

Further
application

16. A further application for a licence may be made upon new or other evidence or where it is clear that material circumstances have changed. *New*.

Complaints

17.—(1) Where the Registrar receives a complaint in respect of the carrying on of the business of providing private investigators or security guards and so requests in writing, the person carrying on the business shall furnish the Registrar with such information respecting the matter complained of as the Registrar requires.

Inspection
of records

(2) For the purposes of subsection 1, the Registrar or any person designated in writing by him may at any time make an inspection of the books, documents and records of any licensee.

Access

(3) Upon an inspection under subsection 2, the person inspecting is entitled to free access to all books of account, cash, documents, bank accounts, vouchers, correspondence and records of every description of the licensee, and no person shall withhold or destroy, conceal or refuse to furnish any information or thing required by the person inspecting for the purposes of the inspection. *New*.

Information
confiden-
tial

18. Any information received by the Registrar or the Commissioner in connection with an application or a record or return required under this Act or in the course of an inquiry

or investigation authorized by this Act shall not be disclosed without the consent of the Commissioner. *New.*

19.—(1) The Registrar shall serve upon any person, who in the opinion of the Registrar is affected thereby, a notice of every direction, decision, order or ruling of the Registrar. Notice of direction, decision, etc.

(2) Where a service under subsection 1 is made upon a person who is not a licensee, the service may be made by sending the notice by registered mail to the last-known address of the person to be served. *New.* Service

20.—(1) Any person whose licence or right to a licence is affected by a decision of the Registrar may, by notice in writing served upon the Registrar within thirty days after the delivery of the notice under section 19, request a hearing and review of the matter by the Commissioner. Review

(2) Where a hearing and review are requested, the Commissioner shall serve notice upon the person who requested the review notifying him of the time and place of the hearing which shall be within thirty days of the serving of the notice under subsection 1, except with the consent of the person who requested the review. Notice of hearing

(3) Upon a review, the Commissioner shall hear such evidence as is submitted to him that in his opinion is relevant to the matter in dispute, and all oral evidence submitted shall be taken down in writing and, together with such documentary evidence and things as are received in evidence by him, forms the record. Evidence

(4) Upon a review, the Commissioner may, Evidence on review

(a) administer oaths to witnesses and require them to give evidence under oath; and

(b) require to have issued out of the Supreme Court a writ of subpoena *ad testificandum* or a writ of subpoena *duces tecum* which the court shall issue, but no person shall be compelled under any such writ to produce any document that he would not be compellable to produce on the trial of an action.

(5) Upon a review, the Commissioner may by his order direct the Registrar to make such decision as the Registrar is authorized to make under this Act and as the Commissioner deems proper and for this purpose the Commissioner may substitute his opinion for that of the Registrar. Decision of Commissioner

Notice of
decision and
reasons

(6) Notice of the decision of the Commissioner made upon a review shall be served forthwith upon the person who requested the review.

Reasons

(7) Upon the request of the person who requested a review, the Commissioner shall give written reasons for his decision made upon the review. *New.*

Appeal

21.—(1) Where the Commissioner has reviewed a decision and given his decision upon the review, the person who requested the review may appeal from the decision to a justice of appeal of the Court of Appeal.

Form of
appeal

(2) Every appeal shall be by notice of motion served upon the Commissioner within thirty days after the delivery of the notice of decision under subsection 6 of section 20, and the practice and procedure in relation to the appeal shall be the same as upon an appeal from a judgment of a judge of the Supreme Court in an action.

Material
on appeal

(3) The Commissioner shall certify to the Registrar of the Supreme Court,

(a) the decision that has been reviewed by him;

(b) his decision upon the review, together with his reasons therefor;

(c) the record of the review; and

(d) all written submissions to him and other material received by him in connection with the review.

Counsel

(4) The Attorney General may designate counsel to assist the judge upon the hearing of an appeal under this section.

Decision
of judge

(5) Upon an appeal, the judge may by his order direct the Registrar to make such decision as the Registrar is authorized to make under this Act and as the judge deems proper, and for this purpose the judge may substitute his opinion for that of the Registrar and the Commissioner.

Appeal
final

(6) The order of the judge is final, but a further application for a licence may be made upon new or other evidence or where it is clear that material circumstances have changed. *New.*

Right to
counsel

22. Every person whose licence or right to a licence may be affected by a hearing under this Act is entitled to be represented by counsel at the hearing. *New.*

23.—(1) No person engaged in any business or employment, whether licensed under this Act or otherwise, shall use the expression “private detective” in connection with such business or employment or hold himself out in any manner as a private detective. R.S.O. 1960, c. 306, s. 15, *amended*. Use of expression “private detective” prohibited

(2) No person shall engage in the business of providing private investigators or security guards in a name other than that in which he is licensed. *New*. Name of business

24. No person shall divulge to anyone, except as is legally authorized or required, any information acquired by him as a private investigator. R.S.O. 1960, c. 306, s. 16. Information to be confidential

25.—(1) No person acting as a private investigator shall have in his possession or display any badge, shield, card or other identification or evidence of authority except, Means of identification

(a) the prescribed identification card issued under this Act; and

(b) a business card containing no reference to licensing under this Act. R.S.O. 1960, c. 306, s. 13 (1), *amended*.

(2) Every private investigator shall, while investigating, carry on his person the prescribed identification card issued to him under this Act and shall produce it for inspection at the request of any person. R.S.O. 1960, c. 306, s. 13 (2), *amended*. Identification card to be carried

(3) No private investigator who is also licensed as a security guard shall act as a private investigator while in uniform. *New*. Use of uniform

26. No person shall act as a private investigator unless he is twenty-one years of age or over and no person shall act as a security guard unless he is eighteen years of age or over. *New*. Age limit

27. Every security guard shall wear a uniform while acting as a security guard. Uniforms

28.—(1) Every security guard while on duty shall carry on his person the prescribed identification card issued to him under this Act and shall produce it for inspection at the request of any person. Identification card

(2) No security guard while on duty shall have in his possession or display any evidence of authority except his uniform and the prescribed identification card issued under this Act. *New*. Evidence of authority

Licensees
not to be
collectors
or bailiffs

29. No licensee shall act as a collector of accounts or bailiff, or undertake, or hold himself out, or advertise as undertaking, to collect accounts or act as a bailiff for any person either with or without remuneration. R.S.O. 1960, c. 306, s. 17, *amended*.

Holding
out as
police

30. No licensee shall hold himself out in any manner as performing or providing services or duties connected with police. *New*.

Advertising

31. Where, in the opinion of the Registrar, any person licensed under this Act is making false, misleading or deceptive statements in any advertisement, circular, pamphlet or similar material, the Registrar may order the immediate cessation of the use of such material. *New*.

Offence

32.—(1) Every person who,

- (a) knowingly furnishes false information in any application under this Act or in any statement or return required to be furnished under this Act or the regulations;
- (b) fails to comply with any order, direction or other requirement made under this Act or the regulations; or
- (c) contravenes any provision of this Act or the regulations,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both. R.S.O. 1960, c. 306, s. 18, *amended*.

Corpora-
tions

(2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed is \$25,000 and not as provided therein.

Consent of
Attorney
General

(3) No proceedings under this section shall be instituted except with the consent of the Attorney General.

Limitation

(4) No proceedings under this section shall be commenced more than one year after the facts upon which the proceedings are based first came to the knowledge of the Commissioner. *New*.

Certificate
as evidence

33. A statement as to,

- (a) the licensing or non-licensing of any person;

- (b) the filing or non-filing of any document or material required or permitted to be filed with the Registrar;
- (c) the time when the facts upon which proceedings are based first came to the knowledge of the Commissioner; or
- (d) any other matter pertaining to such licensing, non-licensing, filing or non-filing or to any such person, document or material,

purporting to be certified by the Commissioner is, without proof of the office or signature of the Commissioner, receivable in evidence as *prima facie* proof of the facts stated therein for all purposes in any action, proceeding or prosecution. *New.*

34. The Lieutenant Governor in Council may make regulations, Regulations

- (a) prescribing the classes of persons who shall be exempt from this Act or from any provision thereof, in addition to those classes of persons mentioned in section 2;
- (b) prescribing forms and providing for their use;
- (c) requiring the payment of fees in connection with the issuance or renewal of licences and prescribing the amounts thereof;
- (d) governing the procedure for the issuance of licences and renewals and prescribing the terms and conditions thereof;
- (e) prescribing the amount and form of bonds to be furnished under this Act, the classes of securities that are acceptable as collateral security, the conditions of forfeiture of bonds, the conditions upon which bonds may be cancelled, the period that bonds shall subsist, and respecting all matters subsequent to forfeiture;
- (f) prescribing the form and contents of identification cards for licensees and providing for the issuance thereof;
- (g) requiring the keeping of such books and records and the furnishing of such information and returns by licensees as are prescribed;

- (h) governing contracts entered into by persons engaged in the business of providing private investigators or security guards with persons who engage their services;
- (i) governing the method of terminating the business of providing private investigators or security guards;
- (j) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1960, c. 306, s. 19, *amended*.

Existing
licences

R.S.O. 1960,
c. 306

35. Every licence issued under *The Private Investigators Act* that is subsisting immediately before this Act comes into force shall continue to subsist until,

- (a) it is suspended or cancelled;
- (b) it is replaced by a licence under this Act; or
- (c) the 31st day of March, 1966,

whichever occurs first.

R.S.O. 1960,
c. 306;
1961-62,
c. 109,
repealed

36. *The Private Investigators Act* and *The Private Investigators Amendment Act, 1961-62* are repealed.

Commence-
ment

37. This Act comes into force on the 1st day of October, 1965.

Short title

38. This Act may be cited as *The Private Investigators and Security Guards Act, 1965*.

The Private Investigators and
Security Guards Act, 1965

1st Reading

March 22nd, 1965

2nd Reading

3rd Reading

MR. WISHART

BILL 73

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

The Private Investigators and Security Guards Act, 1965

MR. WISHART

*(Reprinted as amended by the Committee on Labour,
Legal and Municipal Bills)*

EXPLANATORY NOTE

The Private Investigators Act was re-enacted in 1958. The Act is rewritten in the light of experience and widened to include security guards.

BILL 73

1965

The Private Investigators and Security Guards Act, 1965

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Commissioner" means the Commissioner of the Ontario Provincial Police Force;
- (b) "licence" means a licence under this Act;
- (c) "licensee" means the holder of a licence under this Act;
- (d) "private investigator" means a person who investigates and furnishes information for hire or reward, including a person who,
 - (i) searches for and furnishes information as to the personal character or actions of a person, or the character or kind of business or occupation of a person,
 - (ii) searches for offenders against the law, or
 - (iii) searches for missing persons or property;
- (e) "Registrar" means the Registrar of Private Investigators and Security Guards;
- (f) "regulations" means the regulations made under this Act;
- (g) "security guard" means a person who, for hire or reward, guards or patrols for the purpose of protecting persons or property. R.S.O. 1960, c. 306, s. 1, *amended*.

Application
of Act

2. This Act does not apply to,

(a) barristers or solicitors in the practise of their profession or their employees;

(b) persons who search for and furnish information,

(i) as to the financial credit rating of persons,

(ii) to employers as to the qualifications and suitability of their employees or prospective employees, or

(iii) as to the qualifications and suitability of applicants for insurance and indemnity bonds,

and who do not otherwise act as private investigators;

(c) members of the Corps of Commissionaires while acting within the objects of its incorporation;

(d) a person who is acting as a peace officer;

(e) insurance adjusters and their employees licensed under *The Insurance Act* while acting in the usual and regular scope of their employment;

(f) insurance companies and their employees licensed under *The Insurance Act* while acting in the usual and regular scope of their employment;

(g) private investigators and security guards who are permanently employed by one employer in a business or undertaking other than the business of providing private investigators or security guards and whose work is confined to the affairs of that employer;

(h) employees of a municipality as defined in *The Department of Municipal Affairs Act* while acting within the scope of their employment;

(i) persons residing outside Ontario who are *bona fide* employees of private investigation or security guard agencies licensed or registered in a jurisdiction outside Ontario who,

(i) on behalf of an employer or client who resides outside Ontario, make an investigation or inquiry partly outside Ontario and partly within Ontario, and

(ii) come into Ontario solely for the purpose of such investigation or inquiry; and

R.S.O. 1960,
c. 190

R.S.O. 1960,
c. 98

- (j) any class of persons exempted by the regulations.
R.S.O. 1960, c. 306, s. 2, *amended*.

3. There shall be a Registrar of Private Investigators and Security Guards who may exercise the powers and shall discharge the duties vested in or imposed upon him by this Act or the regulations, under the direction of the Commissioner.
New.

Licences

4.—(1) No person shall,

- (a) engage in the business of providing private investigators or security guards;
- (b) operate a branch office or place at which the public is invited to deal in the conduct of the business of providing private investigators or security guards; or
- (c) act as a private investigator or security guard,

unless he is the holder of a licence therefor. R.S.O. 1960, c. 306, ss. 3, 4, *amended*.

(2) No person shall hold himself out as acting as a private investigator or a security guard or as being engaged in the business of providing private investigators or security guards unless he is licensed under this Act. R.S.O. 1960, c. 306, s. 5, *amended*.

5.—(1) Every applicant for a licence to engage in the business of providing private investigators or security guards shall apply to the Registrar for the licence and the licences for each branch office and each employee who is a private investigator or security guard, if any, upon the prescribed form which shall be accompanied by the prescribed fees and a bond in the prescribed amount and form. R.S.O. 1960, c. 306, s. 6 (1), *amended*.

(2) The bond shall be,

- (a) a personal bond accompanied by collateral security;
- (b) a bond of a guarantee company approved under *The Guarantee Companies Securities Act*; or
- (c) a bond of a guarantor, other than a guarantee company, accompanied by collateral security.

(3) The collateral security shall be negotiable securities of the classes prescribed by the regulations, not less in value than the sum secured by the bond, and shall be deposited with the Treasurer of Ontario. R.S.O. 1960, c. 306, s. 6 (2, 3).

Employer
to ensure
employees
licensed

(4) No person engaged in the business of providing private investigators or security guards shall employ as a private investigator or security guard a person who is not the holder of a licence: *New.*

Address for
service

6.—(1) Every applicant for a licence shall state in the application an address for service in Ontario, and all notices under this Act or the regulations are sufficiently given or served for all purposes if sent by registered mail or delivered to the latest address for service so stated. *New.*

Notice of
changes in
business

(2) Every person licensed to engage in the business of providing private investigators or security guards shall within five days notify the Registrar in writing of,

- (a) any change in his address for service or in the address of any place at which he carries on business or at which he invites the public to deal;
- (b) any change in the officers or members in the case of an association of individuals, partnership or corporation; and
- (c) any termination of employment of a private investigator or security guard. R.S.O. 1960, c. 306, s. 12, *amended.*

Investiga-
tion of
applicant

7.—(1) The Registrar or any person authorized by him may make such inquiry and investigation as he deems sufficient regarding the character, financial position and competence of an applicant or licensee and may require an applicant to try such examinations to determine competence as the Registrar deems necessary. *New.*

Further
information

(2) The Registrar may require further information or material to be submitted by an applicant or a licensee and may require verification by affidavit or otherwise of any information or material then or previously submitted. R.S.O. 1960, c. 306, s. 6 (4), *amended.*

Issuance
of licence

8.—(1) The Registrar shall issue a licence or renewal of a licence where in the opinion of the Registrar the proposed licensing is not against the public interest, and the licence may be subject to terms and conditions. R.S.O. 1960, c. 306, s. 7, *part, amended.*

Hearings

(2) The Registrar shall not refuse to grant or refuse to renew a licence without giving the applicant an opportunity to be heard. *New.*

9.—(1) Where a person applies for a licence to act as a ^{Temporary licence} private investigator or security guard, the Registrar may, pending his decision, issue a temporary licence to so act for a period stated in the licence but not exceeding three months. *New.*

(2) Where a person who is licensed to engage in the business ^{Idem} of providing private investigators or security guards dies, the Registrar may grant to his executor or administrator a temporary licence, and all licensed employees of a deceased licensee at the time of his death shall be deemed to be licensed as employees of such executor or administrator. R.S.O. 1960, c. 306, s. 8 (1, 2), *amended.*

(3) Every temporary licence terminates in accordance with ^{Termination of temporary licences} the regulations. R.S.O. 1960, c. 306, s. 9 (3).

10. A licence is not transferable. *New.* ^{Transfers}

11.—(1) Every licence and renewal of licence, other than ^{Expiry of licences} a temporary licence, expires on the 31st day of March in each year. R.S.O. 1960, c. 306, s. 9 (1), *part, amended.*

(2) Every applicant for renewal of a licence to engage in ^{Renewals} the business of providing private investigators or security guards shall, on or before the 1st day of March in each year, apply to the Registrar for the renewal of the licence and the renewal of the licences for each branch office and each employee who is a private investigator or security guard, if any, upon the prescribed form which shall be accompanied by the prescribed fees. R.S.O. 1960, c. 306, s. 9 (1), *part, amended.*

12. Immediately upon the receipt of a licence to engage ^{Displaying licence} in the business of providing private investigators or security guards, the licensee shall cause it to be displayed in a conspicuous place in the office or branch office of the business for which it is issued. R.S.O. 1960, c. 306, s. 11, *amended.*

13.—(1) The licence of a private investigator or security ^{Cancellation of licence on termination of employment} guard is cancelled upon the termination of the employment in respect of which it was issued.

(2) When a licensed private investigator or security guard ^{Idem} ceases to be employed as such, he shall give his licence and identification card immediately to his employer who shall forward them to the Registrar.

(3) Every person who is licensed to engage in the business ^{Surrender of licences and identification cards} of providing private investigators or security guards shall immediately upon the termination of such business forward

to the Registrar his licence and identification card together with the licences and identification cards of his employees. R.S.O. 1960, c. 306, s. 9 (2), *amended*.

Suspension
and cancel-
lation

14. The Registrar may, after giving the licensee an opportunity to be heard, suspend or cancel a licence where,

1953-54,
c. 51 (Can.)

(a) the licensee is convicted of an offence under the *Criminal Code* (Canada) or under this Act or the regulations;

(b) the licensee is in breach of a term or condition of the licence; or

(c) in the opinion of the Registrar, to do so is in the public interest. R.S.O. 1960, c. 306, s. 7, *part, amended*.

Reasons

15. Where the Registrar refuses to grant a licence or renewal of a licence, or suspends or cancels a licence, he shall, upon the request of the person whose licence or right to a licence is affected, give written reasons for his decision. *New*.

Further
application

16. A further application for a licence may be made upon new or other evidence or where it is clear that material circumstances have changed. *New*.

Complaints

17.—(1) Where the Registrar receives a complaint in respect of the carrying on of the business of providing private investigators or security guards and so requests in writing, the person carrying on the business shall furnish the Registrar with such information respecting the matter complained of as the Registrar requires.

Inspection
of records

(2) For the purposes of subsection 1, the Registrar or any person designated in writing by him may at any time make an inspection of the books, documents and records of any licensee.

Access

(3) Upon an inspection under subsection 2, the person inspecting is entitled to free access to all books of account, cash, documents, bank accounts, vouchers, correspondence and records of every description of the licensee, and no person shall withhold or destroy, conceal or refuse to furnish any information or thing required by the person inspecting for the purposes of the inspection. *New*.

Information
confiden-
tial

18. Any information received by the Registrar or the Commissioner in connection with an application or a record or return required under this Act or in the course of an inquiry

or investigation authorized by this Act shall not be disclosed without the consent of the Commissioner. *New.*

19.—(1) The Registrar shall serve upon any person, who in the opinion of the Registrar is affected thereby, a notice of every direction, decision, order or ruling of the Registrar. ^{Notice of direction, decision, etc.}

(2) Where a service under subsection 1 is made upon a person who is not a licensee, the service may be made by sending the notice by registered mail to the last-known address of the person to be served. *New.* ^{Service}

20.—(1) Any person whose licence or right to a licence is affected by a decision of the Registrar may, by notice in writing served upon the Registrar within thirty days after the delivery of the notice under section 19, request a hearing and review of the matter by the Commissioner. ^{Review}

(2) Where a hearing and review are requested, the Commissioner shall serve notice upon the person who requested the review notifying him of the time and place of the hearing which shall be within thirty days of the serving of the notice under subsection 1, except with the consent of the person who requested the review. ^{Notice of hearing}

(3) Upon a review, the Commissioner shall hear such evidence as is submitted to him that in his opinion is relevant to the matter in dispute, and all oral evidence submitted shall be taken down in writing and, together with such documentary evidence and things as are received in evidence by him, forms the record. ^{Evidence}

(4) Upon a review, the Commissioner may, ^{Evidence on review}

(a) administer oaths to witnesses and require them to give evidence under oath; and

(b) require to have issued out of the Supreme Court a writ of subpoena *ad testificandum* or a writ of subpoena *duces tecum* which the court shall issue, but no person shall be compelled under any such writ to produce any document that he would not be compellable to produce on the trial of an action.

(5) Upon a review, the Commissioner may by his order direct the Registrar to make such decision as the Registrar is authorized to make under this Act and as the Commissioner deems proper and for this purpose the Commissioner may substitute his opinion for that of the Registrar. ^{Decision of Commissioner}

Notice of
decision and
reasons

(6) Notice of the decision of the Commissioner made upon a review shall be served forthwith upon the person who requested the review.

Reasons

(7) Upon the request of the person who requested a review, the Commissioner shall give written reasons for his decision made upon the review. *New.*

Appeal

21.—(1) Where the Commissioner has reviewed a decision and given his decision upon the review, the person who requested the review may appeal from the decision to a justice of appeal of the Court of Appeal.

Form of
appeal

(2) Every appeal shall be by notice of motion served upon the Commissioner within thirty days after the delivery of the notice of decision under subsection 6 of section 20, and the practice and procedure in relation to the appeal shall be the same as upon an appeal from a judgment of a judge of the Supreme Court in an action.

Material
on appeal

(3) The Commissioner shall certify to the Registrar of the Supreme Court,

- (a) the decision that has been reviewed by him;
- (b) his decision upon the review, together with his reasons therefor;
- (c) the record of the review; and
- (d) all written submissions to him and other material received by him in connection with the review.

Counsel

(4) The Attorney General may designate counsel to assist the judge upon the hearing of an appeal under this section.

Decision
of judge

(5) Upon an appeal, the judge may by his order direct the Registrar to make such decision as the Registrar is authorized to make under this Act and as the judge deems proper, and for this purpose the judge may substitute his opinion for that of the Registrar and the Commissioner.

Appeal
final

(6) The order of the judge is final, but a further application for a licence may be made upon new or other evidence or where it is clear that material circumstances have changed. *New.*

Right to
counsel

22. Every person whose licence or right to a licence may be affected by a hearing under this Act is entitled to be represented by counsel at the hearing. *New.*

23.—(1) No person engaged in any business or employment, whether licensed under this Act or otherwise, shall use the expression “private detective” in connection with such business or employment or hold himself out in any manner as a private detective. R.S.O. 1960, c. 306, s. 15, *amended*. Use of expression “private detective” prohibited

(2) No person shall engage in the business of providing private investigators or security guards in a name other than that in which he is licensed. *New*. Name of business

24. No person shall divulge to anyone, except as is legally authorized or required, any information acquired by him as a private investigator. R.S.O. 1960, c. 306, s. 16. Information to be confidential

25.—(1) No person acting as a private investigator shall have in his possession or display any badge, shield, card or other identification or evidence of authority except, Means of identification

(a) the prescribed identification card issued under this Act; and

(b) a business card containing no reference to licensing under this Act. R.S.O. 1960, c. 306, s. 13 (1), *amended*.

(2) Every private investigator shall, while investigating, carry on his person the prescribed identification card issued to him under this Act and shall produce it for inspection at the request of any person. R.S.O. 1960, c. 306, s. 13 (2), *amended*. Identification card to be carried

(3) No private investigator who is also licensed as a security guard shall act as a private investigator while in uniform. *New*. Use of uniform

26. No person shall act as a private investigator unless he is twenty-one years of age or over and no person shall act as a security guard unless he is eighteen years of age or over. *New*. Age limit

27. Every security guard shall wear a uniform while acting as a security guard. Uniforms

28.—(1) Every security guard while on duty shall carry on his person the prescribed identification card issued to him under this Act and shall produce it for inspection at the request of any person. Identification card

(2) No security guard while on duty shall have in his possession or display any evidence of authority except his uniform and the prescribed identification card issued under this Act. *New*. Evidence of authority

Licensees
not to be
collectors
or bailiffs

29. No licensee shall act as a collector of accounts or bailiff, or undertake, or hold himself out, or advertise as undertaking, to collect accounts or act as a bailiff for any person either with or without remuneration. R.S.O. 1960, c. 306, s. 17, *amended*.

Holding
out as
police

30. No licensee shall hold himself out in any manner as performing or providing services or duties connected with police. *New*.

Advertising

31. Where, in the opinion of the Registrar, any person licensed under this Act is making false, misleading or deceptive statements in any advertisement, circular, pamphlet or similar material, the Registrar may order the immediate cessation of the use of such material. *New*.

Offence

32.—(1) Every person who,

- (a) knowingly furnishes false information in any application under this Act or in any statement or return required to be furnished under this Act or the regulations;
- (b) fails to comply with any order, direction or other requirement made under this Act or the regulations; or
- (c) contravenes any provision of this Act or the regulations,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both. R.S.O. 1960, c. 306, s. 18, *amended*.

Corpora-
tions

(2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed is \$25,000 and not as provided therein.

Consent of
Attorney
General

(3) No proceedings under this section shall be instituted except with the consent of the Attorney General.

Limitation

(4) No proceedings under this section shall be commenced more than one year after the facts upon which the proceedings are based first came to the knowledge of the Commissioner. *New*.

Certificate
as evidence

33. A statement as to,

- (a) the licensing or non-licensing of any person;

- (b) the filing or non-filing of any document or material required or permitted to be filed with the Registrar;
- (c) the time when the facts upon which proceedings are based first came to the knowledge of the Commissioner; or
- (d) any other matter pertaining to such licensing, non-licensing, filing or non-filing or to any such person, document or material,

purporting to be certified by the Commissioner is, without proof of the office or signature of the Commissioner, receivable in evidence as *prima facie* proof of the facts stated therein for all purposes in any action, proceeding or prosecution. *New.*

34. The Lieutenant Governor in Council may make regulations, Regulations

- (a) prescribing the classes of persons who shall be exempt from this Act or from any provision thereof, in addition to those classes of persons mentioned in section 2;
- (b) prescribing forms and providing for their use;
- (c) requiring the payment of fees in connection with the issuance or renewal of licences and prescribing the amounts thereof;
- (d) governing the procedure for the issuance of licences and renewals and prescribing the terms and conditions thereof;
- (e) prescribing the amount and form of bonds to be furnished under this Act, the classes of securities that are acceptable as collateral security, the conditions of forfeiture of bonds, the conditions upon which bonds may be cancelled, the period that bonds shall subsist, and respecting all matters subsequent to forfeiture;
- (f) prescribing the form and contents of identification cards for licensees and providing for the issuance thereof;
- (g) requiring the keeping of such books and records and the furnishing of such information and returns by licensees as are prescribed;

- (h) governing the uniforms, badges and insignia that shall be worn by security guards;
- (i) governing contracts entered into by persons engaged in the business of providing private investigators or security guards with persons who engage their services;
- (j) governing the method of terminating the business of providing private investigators or security guards;
- (k) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1960, c. 306, s. 19, *amended*.

Existing
licences
R.S.O. 1960,
c. 306

35. Every licence issued under *The Private Investigators Act* that is subsisting immediately before this Act comes into force shall continue to subsist until,

- (a) it is suspended or cancelled;
- (b) it is replaced by a licence under this Act; or
- (c) the 31st day of March, 1966,

whichever occurs first.

R.S.O. 1960,
c. 306;
1961-62,
c. 109,
repealed

36. *The Private Investigators Act* and *The Private Investigators Amendment Act, 1961-62* are repealed.

Commence-
ment

37. This Act comes into force on the 1st day of October, 1965.

Short title

38. This Act may be cited as *The Private Investigators and Security Guards Act, 1965*.

The Private Investigators and
Security Guards Act, 1965

1st Reading

March 22nd, 1965

2nd Reading

April 8th, 1965

3rd Reading

MR. WISHART

(Reprinted as amended by the Committee
on Labour, Legal and Municipal Bills)

BILL 73

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

The Private Investigators and Security Guards Act, 1965

MR. WISHART



The Private Investigators and Security Guards Act, 1965

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Commissioner" means the Commissioner of the Ontario Provincial Police Force;
- (b) "licence" means a licence under this Act;
- (c) "licensee" means the holder of a licence under this Act;
- (d) "private investigator" means a person who investigates and furnishes information for hire or reward, including a person who,
 - (i) searches for and furnishes information as to the personal character or actions of a person, or the character or kind of business or occupation of a person,
 - (ii) searches for offenders against the law, or
 - (iii) searches for missing persons or property;
- (e) "Registrar" means the Registrar of Private Investigators and Security Guards;
- (f) "regulations" means the regulations made under this Act;
- (g) "security guard" means a person who, for hire or reward, guards or patrols for the purpose of protecting persons or property. R.S.O. 1960, c. 306, s. 1, *amended*.

Application
of Act

2. This Act does not apply to,

- (a) barristers or solicitors in the practise of their profession or their employees;
- (b) persons who search for and furnish information,
 - (i) as to the financial credit rating of persons,
 - (ii) to employers as to the qualifications and suitability of their employees or prospective employees, or
 - (iii) as to the qualifications and suitability of applicants for insurance and indemnity bonds,
 and who do not otherwise act as private investigators;
- (c) members of the Corps of Commissionaires while acting within the objects of its incorporation;
- (d) a person who is acting as a peace officer;
- (e) insurance adjusters and their employees licensed under *The Insurance Act* while acting in the usual and regular scope of their employment;
- (f) insurance companies and their employees licensed under *The Insurance Act* while acting in the usual and regular scope of their employment;
- (g) private investigators and security guards who are permanently employed by one employer in a business or undertaking other than the business of providing private investigators or security guards and whose work is confined to the affairs of that employer;
- (h) employees of a municipality as defined in *The Department of Municipal Affairs Act* while acting within the scope of their employment;
- (i) persons residing outside Ontario who are *bona fide* employees of private investigation or security guard agencies licensed or registered in a jurisdiction outside Ontario who,
 - (i) on behalf of an employer or client who resides outside Ontario, make an investigation or inquiry partly outside Ontario and partly within Ontario, and
 - (ii) come into Ontario solely for the purpose of such investigation or inquiry; and

R.S.O. 1960,
c. 190

R.S.O. 1960,
c. 98

- (j) any class of persons exempted by the regulations.
R.S.O. 1960, c. 306, s. 2, *amended*.

3. There shall be a Registrar of Private Investigators and Security Guards who may exercise the powers and shall discharge the duties vested in or imposed upon him by this Act or the regulations, under the direction of the Commissioner.
New.

Licences

4.—(1) No person shall,

- (a) engage in the business of providing private investigators or security guards;
- (b) operate a branch office or place at which the public is invited to deal in the conduct of the business of providing private investigators or security guards; or
- (c) act as a private investigator or security guard,

unless he is the holder of a licence therefor. R.S.O. 1960, c. 306, ss. 3, 4, *amended*.

(2) No person shall hold himself out as acting as a private investigator or a security guard or as being engaged in the business of providing private investigators or security guards unless he is licensed under this Act. R.S.O. 1960, c. 306, s. 5, *amended*.

5.—(1) Every applicant for a licence to engage in the business of providing private investigators or security guards shall apply to the Registrar for the licence and the licences for each branch office and each employee who is a private investigator or security guard, if any, upon the prescribed form which shall be accompanied by the prescribed fees and a bond in the prescribed amount and form. R.S.O. 1960, c. 306, s. 6 (1), *amended*.

(2) The bond shall be,

Type of
bond

- (a) a personal bond accompanied by collateral security;
- (b) a bond of a guarantee company approved under *The Guarantee Companies Securities Act*; or
- (c) a bond of a guarantor, other than a guarantee company, accompanied by collateral security.

R.S.O. 1960,
c. 168

(3) The collateral security shall be negotiable securities of the classes prescribed by the regulations, not less in value than the sum secured by the bond, and shall be deposited with the Treasurer of Ontario. R.S.O. 1960, c. 306, s. 6 (2, 3).

Collateral
security

Employer
to ensure
employees
licensed

(4) No person engaged in the business of providing private investigators or security guards shall employ as a private investigator or security guard a person who is not the holder of a licence. *New.*

Address for
service

6.—(1) Every applicant for a licence shall state in the application an address for service in Ontario, and all notices under this Act or the regulations are sufficiently given or served for all purposes if sent by registered mail or delivered to the latest address for service so stated. *New.*

Notice of
changes in
business

(2) Every person licensed to engage in the business of providing private investigators or security guards shall within five days notify the Registrar in writing of,

- (a) any change in his address for service or in the address of any place at which he carries on business or at which he invites the public to deal;
- (b) any change in the officers or members in the case of an association of individuals, partnership or corporation; and
- (c) any termination of employment of a private investigator or security guard. R.S.O. 1960, c. 306, s. 12, *amended.*

Investiga-
tion of
applicant

7.—(1) The Registrar or any person authorized by him may make such inquiry and investigation as he deems sufficient regarding the character, financial position and competence of an applicant or licensee and may require an applicant to try such examinations to determine competence as the Registrar deems necessary. *New.*

Further
information

(2) The Registrar may require further information or material to be submitted by an applicant or a licensee and may require verification by affidavit or otherwise of any information or material then or previously submitted. R.S.O. 1960, c. 306, s. 6 (4), *amended.*

Issuance
of licence

8.—(1) The Registrar shall issue a licence or renewal of a licence where in the opinion of the Registrar the proposed licensing is not against the public interest, and the licence may be subject to terms and conditions. R.S.O. 1960, c. 306, s. 7, *part, amended.*

Hearings

(2) The Registrar shall not refuse to grant or refuse to renew a licence without giving the applicant an opportunity to be heard. *New.*

9.—(1) Where a person applies for a licence to act as a private investigator or security guard, the Registrar may, pending his decision, issue a temporary licence to so act for a period stated in the licence but not exceeding three months. *New.*

Temporary
licence

(2) Where a person who is licensed to engage in the business of providing private investigators or security guards dies, the Registrar may grant to his executor or administrator a temporary licence, and all licensed employees of a deceased licensee at the time of his death shall be deemed to be licensed as employees of such executor or administrator. R.S.O. 1960, c. 306, s. 8 (1, 2), *amended.*

Idem

(3) Every temporary licence terminates in accordance with the regulations. R.S.O. 1960, c. 306, s. 9 (3).

Termination
of temporary
licences

10. A licence is not transferable. *New.*

Transfers

11.—(1) Every licence and renewal of licence, other than a temporary licence, expires on the 31st day of March in each year. R.S.O. 1960, c. 306, s. 9 (1), *part, amended.*

Expiry of
licences

(2) Every applicant for renewal of a licence to engage in the business of providing private investigators or security guards shall, on or before the 1st day of March in each year, apply to the Registrar for the renewal of the licence and the renewal of the licences for each branch office and each employee who is a private investigator or security guard, if any, upon the prescribed form which shall be accompanied by the prescribed fees. R.S.O. 1960, c. 306, s. 9 (1), *part, amended.*

Renewals

12. Immediately upon the receipt of a licence to engage in the business of providing private investigators or security guards, the licensee shall cause it to be displayed in a conspicuous place in the office or branch office of the business for which it is issued. R.S.O. 1960, c. 306, s. 11, *amended.*

Displaying
licence

13.—(1) The licence of a private investigator or security guard is cancelled upon the termination of the employment in respect of which it was issued.

Cancellation
of licence
on termina-
tion of
employment

(2) When a licensed private investigator or security guard ceases to be employed as such, he shall give his licence and identification card immediately to his employer who shall forward them to the Registrar.

Idem

(3) Every person who is licensed to engage in the business of providing private investigators or security guards shall immediately upon the termination of such business forward

Surrender
of licences
and identi-
fication
cards

to the Registrar his licence and identification card together with the licences and identification cards of his employees. R.S.O. 1960, c. 306, s. 9 (2), *amended*.

**Suspension
and cancel-
lation**

14. The Registrar may, after giving the licensee an opportunity to be heard, suspend or cancel a licence where,

1953-54,
c. 51 (Can.)

- (a) the licensee is convicted of an offence under the *Criminal Code* (Canada) or under this Act or the regulations;
- (b) the licensee is in breach of a term or condition of the licence; or
- (c) in the opinion of the Registrar, to do so is in the public interest. R.S.O. 1960, c. 306, s. 7, *part, amended*.

Reasons

15. Where the Registrar refuses to grant a licence or renewal of a licence, or suspends or cancels a licence, he shall, upon the request of the person whose licence or right to a licence is affected, give written reasons for his decision. *New*.

**Further
application**

16. A further application for a licence may be made upon new or other evidence or where it is clear that material circumstances have changed. *New*.

Complaints

17.—(1) Where the Registrar receives a complaint in respect of the carrying on of the business of providing private investigators or security guards and so requests in writing, the person carrying on the business shall furnish the Registrar with such information respecting the matter complained of as the Registrar requires.

**Inspection
of records**

(2) For the purposes of subsection 1, the Registrar or any person designated in writing by him may at any time make an inspection of the books, documents and records of any licensee.

Access

(3) Upon an inspection under subsection 2, the person inspecting is entitled to free access to all books of account, cash, documents, bank accounts, vouchers, correspondence and records of every description of the licensee, and no person shall withhold or destroy, conceal or refuse to furnish any information or thing required by the person inspecting for the purposes of the inspection. *New*.

**Information
confiden-
tial**

18. Any information received by the Registrar or the Commissioner in connection with an application or a record or return required under this Act or in the course of an inquiry

or investigation authorized by this Act shall not be disclosed without the consent of the Commissioner. *New.*

19.—(1) The Registrar shall serve upon any person, who in the opinion of the Registrar is affected thereby, a notice of every direction, decision, order or ruling of the Registrar. ^{Notice of direction, decision, etc.}

(2) Where a service under subsection 1 is made upon a person who is not a licensee, the service may be made by sending the notice by registered mail to the last-known address of the person to be served. *New.* ^{Service}

20.—(1) Any person whose licence or right to a licence is affected by a decision of the Registrar may, by notice in writing served upon the Registrar within thirty days after the delivery of the notice under section 19, request a hearing and review of the matter by the Commissioner. ^{Review}

(2) Where a hearing and review are requested, the Commissioner shall serve notice upon the person who requested the review notifying him of the time and place of the hearing which shall be within thirty days of the serving of the notice under subsection 1, except with the consent of the person who requested the review. ^{Notice of hearing}

(3) Upon a review, the Commissioner shall hear such evidence as is submitted to him that in his opinion is relevant to the matter in dispute, and all oral evidence submitted shall be taken down in writing and, together with such documentary evidence and things as are received in evidence by him, forms the record. ^{Evidence}

(4) Upon a review, the Commissioner may, ^{Evidence on review}

(a) administer oaths to witnesses and require them to give evidence under oath; and

(b) require to have issued out of the Supreme Court a writ of subpoena *ad testificandum* or a writ of subpoena *duces tecum* which the court shall issue, but no person shall be compelled under any such writ to produce any document that he would not be compellable to produce on the trial of an action.

(5) Upon a review, the Commissioner may by his order direct the Registrar to make such decision as the Registrar is authorized to make under this Act and as the Commissioner deems proper and for this purpose the Commissioner may substitute his opinion for that of the Registrar. ^{Decision of Commissioner}

Notice of decision and reasons (6) Notice of the decision of the Commissioner made upon a review shall be served forthwith upon the person who requested the review.

Reasons (7) Upon the request of the person who requested a review, the Commissioner shall give written reasons for his decision made upon the review. *New.*

Appeal **21.**—(1) Where the Commissioner has reviewed a decision and given his decision upon the review, the person who requested the review may appeal from the decision to a justice of appeal of the Court of Appeal.

Form of appeal (2) Every appeal shall be by notice of motion served upon the Commissioner within thirty days after the delivery of the notice of decision under subsection 6 of section 20, and the practice and procedure in relation to the appeal shall be the same as upon an appeal from a judgment of a judge of the Supreme Court in an action.

Material on appeal (3) The Commissioner shall certify to the Registrar of the Supreme Court,

(a) the decision that has been reviewed by him;

(b) his decision upon the review, together with his reasons therefor;

(c) the record of the review; and

(d) all written submissions to him and other material received by him in connection with the review.

Counsel (4) The Attorney General may designate counsel to assist the judge upon the hearing of an appeal under this section.

Decision of judge (5) Upon an appeal, the judge may by his order direct the Registrar to make such decision as the Registrar is authorized to make under this Act and as the judge deems proper, and for this purpose the judge may substitute his opinion for that of the Registrar and the Commissioner.

Appeal final (6) The order of the judge is final, but a further application for a licence may be made upon new or other evidence or where it is clear that material circumstances have changed. *New.*

Right to counsel **22.** Every person whose licence or right to a licence may be affected by a hearing under this Act is entitled to be represented by counsel at the hearing. *New.*

23.—(1) No person engaged in any business or employment, whether licensed under this Act or otherwise, shall use the expression “private detective” in connection with such business or employment or hold himself out in any manner as a private detective. R.S.O. 1960, c. 306, s. 15, *amended*. Use of expression “private detective,” prohibited

(2) No person shall engage in the business of providing private investigators or security guards in a name other than that in which he is licensed. *New*. Name of business

24. No person shall divulge to anyone, except as is legally authorized or required, any information acquired by him as a private investigator. R.S.O. 1960, c. 306, s. 16. Information to be confidential

25.—(1) No person acting as a private investigator shall have in his possession or display any badge, shield, card or other identification or evidence of authority except, Means of identification

(a) the prescribed identification card issued under this Act; and

(b) a business card containing no reference to licensing under this Act. R.S.O. 1960, c. 306, s. 13 (1), *amended*.

(2) Every private investigator shall, while investigating, carry on his person the prescribed identification card issued to him under this Act and shall produce it for inspection at the request of any person. R.S.O. 1960, c. 306, s. 13 (2), *amended*. Identification card to be carried

(3) No private investigator who is also licensed as a security guard shall act as a private investigator while in uniform. *New*. Use of uniform

26. No person shall act as a private investigator unless he is twenty-one years of age or over and no person shall act as a security guard unless he is eighteen years of age or over. *New*. Age limit

27. Every security guard shall wear a uniform while acting as a security guard. Uniforms

28.—(1) Every security guard while on duty shall carry on his person the prescribed identification card issued to him under this Act and shall produce it for inspection at the request of any person. Identification card

(2) No security guard while on duty shall have in his possession or display any evidence of authority except his uniform and the prescribed identification card issued under this Act. *New*. Evidence of authority

Licensees
not to be
collectors
or bailiffs

29. No licensee shall act as a collector of accounts or bailiff, or undertake, or hold himself out, or advertise as undertaking, to collect accounts or act as a bailiff for any person either with or without remuneration. R.S.O. 1960, c. 306, s. 17, *amended*.

Holding
out as
police

30. No licensee shall hold himself out in any manner as performing or providing services or duties connected with police. *New*.

Advertising

31. Where, in the opinion of the Registrar, any person licensed under this Act is making false, misleading or deceptive statements in any advertisement, circular, pamphlet or similar material, the Registrar may order the immediate cessation of the use of such material. *New*.

Offence

32.—(1) Every person who,

- (a) knowingly furnishes false information in any application under this Act or in any statement or return required to be furnished under this Act or the regulations;
- (b) fails to comply with any order, direction or other requirement made under this Act or the regulations; or
- (c) contravenes any provision of this Act or the regulations,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both. R.S.O. 1960, c. 306, s. 18, *amended*.

Corpora-
tions

(2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed is \$25,000 and not as provided therein.

Consent of
Attorney
General

(3) No proceedings under this section shall be instituted except with the consent of the Attorney General.

Limitation

(4) No proceedings under this section shall be commenced more than one year after the facts upon which the proceedings are based first came to the knowledge of the Commissioner. *New*.

Certificate
as evidence

33. A statement as to,

- (a) the licensing or non-licensing of any person;

- (b) the filing or non-filing of any document or material required or permitted to be filed with the Registrar;
- (c) the time when the facts upon which proceedings are based first came to the knowledge of the Commissioner; or
- (d) any other matter pertaining to such licensing, non-licensing, filing or non-filing or to any such person, document or material,

purporting to be certified by the Commissioner is, without proof of the office or signature of the Commissioner, receivable in evidence as *prima facie* proof of the facts stated therein for all purposes in any action, proceeding or prosecution. *New.*

34. The Lieutenant Governor in Council may make regulations, Regulations

- (a) prescribing the classes of persons who shall be exempt from this Act or from any provision thereof, in addition to those classes of persons mentioned in section 2;
- (b) prescribing forms and providing for their use;
- (c) requiring the payment of fees in connection with the issuance or renewal of licences and prescribing the amounts thereof;
- (d) governing the procedure for the issuance of licences and renewals and prescribing the terms and conditions thereof;
- (e) prescribing the amount and form of bonds to be furnished under this Act, the classes of securities that are acceptable as collateral security, the conditions of forfeiture of bonds, the conditions upon which bonds may be cancelled, the period that bonds shall subsist, and respecting all matters subsequent to forfeiture;
- (f) prescribing the form and contents of identification cards for licensees and providing for the issuance thereof;
- (g) requiring the keeping of such books and records and the furnishing of such information and returns by licensees as are prescribed;

- (h) governing the uniforms, badges and insignia that shall be worn by security guards;
- (i) governing contracts entered into by persons engaged in the business of providing private investigators or security guards with persons who engage their services;
- (j) governing the method of terminating the business of providing private investigators or security guards;
- (k) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1960, c. 306, s. 19, *amended*.

Existing
licences

R.S.O. 1960,
c. 306

35. Every licence issued under *The Private Investigators Act* that is subsisting immediately before this Act comes into force shall continue to subsist until,

- (a) it is suspended or cancelled;
- (b) it is replaced by a licence under this Act; or
- (c) the 31st day of March, 1966,

whichever occurs first.

R.S.O. 1960,
c. 306;
1961-62,
c. 109,
repealed

36. *The Private Investigators Act* and *The Private Investigators Amendment Act, 1961-62* are repealed.

Commence-
ment

37. This Act comes into force on the 1st day of October, 1965.

Short title

38. This Act may be cited as *The Private Investigators and Security Guards Act, 1965*.

The Private Investigators and
Security Guards Act, 1965

1st Reading

March 22nd, 1965

2nd Reading

April 8th, 1965

3rd Reading

June 21st, 1965

MR. WISHART

BILL 74

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Cancer Act

MR. DYMOND

EXPLANATORY NOTE

The Ontario Cancer Institute constituted under *The Cancer Act* operates the Princess Margaret Hospital.

The Act at present prescribes that the Institute consist of fourteen members and requires that the Chairman of the Ontario Cancer Treatment and Research Foundation be a member of the Institute.

Under the Act as amended, the Chairman of the Foundation will no longer be required to act as a member of the Institute.

BILL 74

1965

An Act to amend The Cancer Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of subsection 1 of section 17 of *The Cancer Act* R.S.O. 1960, c. 45, s. 17, subs. 1, cl. *a*, amended is amended by striking out "one of whom shall be the chairman of the Foundation" in the first and second lines, so that the clause shall read as follows:

(*a*) five persons representing the Foundation.

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Cancer Amendment Act*, Short title 1965.

An Act to amend The Cancer Act

1st Reading

March 23rd, 1965

2nd Reading

3rd Reading

MR. DYMOND

BILL 74

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Cancer Act

MR. DYMOND

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

BILL 74

1965

An Act to amend The Cancer Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of subsection 1 of section 17 of *The Cancer Act* ^{R.S.O. 1960, c. 45, s. 17, subs. 1, cl. *a*, amended} is amended by striking out "one of whom shall be the chairman of the Foundation" in the first and second lines, so that the clause shall read as follows:

(*a*) five persons representing the Foundation.

2. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

3. This Act may be cited as *The Cancer Amendment Act*, ^{Short title} 1965.

An Act to amend The Cancer Act

1st Reading

March 23rd, 1965

2nd Reading

March 30th, 1965

3rd Reading

April 14th, 1965

MR. DYMOND

BILL 75

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Hospital Services Commission Act

MR. DYMOND

EXPLANATORY NOTE

The purpose of this Bill is to change the name of the "Hospital Services Commission of Ontario" to "Ontario Hospital Services Commission".

BILL 75

1965

An Act to amend The Hospital Services Commission Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of section 1 of *The Hospital Services Commission Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 176, s. 1,
cl. *a*,
re-enacted

(a) "Commission" means the Ontario Hospital Services Commission.

2. Section 2 of *The Hospital Services Commission Act* is amended by adding at the end thereof "under the name 'Ontario Hospital Services Commission' ", so that the section shall read as follows: R.S.O. 1960,
c. 176, s. 2,
amended

2. The Commission that was constituted on behalf of Her Majesty in right of Ontario as a corporation without share capital by *The Hospital Services Commission Act, 1956* is continued under the name "Ontario Hospital Services Commission". Commission
continued
1956, c. 31

3. This Act comes into force on the day it receives Royal Assent. Commence-
ment

4. This Act may be cited as *The Hospital Services Commission Amendment Act, 1965*. Short title

An Act to amend
The Hospital Services Commission Act

1st Reading

March 23rd, 1965

2nd Reading

3rd Reading

MR. DYMOND

BILL 75

3RD SESSION, 27TH LEGISLATURE, ONTARIO
— 13-14 ELIZABETH II, 1965

An Act to amend The Hospital Services Commission Act

MR. DYMOND

BILL 75

1965

An Act to amend The Hospital Services Commission Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of section 1 of *The Hospital Services Commission Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 176, s. 1,
cl. *a*,
re-enacted

(a) "Commission" means the Ontario Hospital Services Commission.

2. Section 2 of *The Hospital Services Commission Act* is amended by adding at the end thereof "under the name 'Ontario Hospital Services Commission' ", so that the section shall read as follows: R.S.O. 1960,
c. 176, s. 2,
amended

2. The Commission that was constituted on behalf of Her Majesty in right of Ontario as a corporation without share capital by *The Hospital Services Commission Act, 1956* is continued under the name "Ontario Hospital Services Commission". Commission
continued
1956, c. 31

3. This Act comes into force on the day it receives Royal Assent. Commence-
ment

4. This Act may be cited as *The Hospital Services Commission Amendment Act, 1965*. Short title

An Act to amend
The Hospital Services Commission Act

1st Reading

March 23rd, 1965

2nd Reading

March 30th, 1965

3rd Reading

April 14th, 1965

MR. DYMOND

BILL 76

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Public Hospitals Act

MR. DYMOND

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

EXPLANATORY NOTES

SECTION 1. This amendment is complementary to an amendment to *The Hospital Services Commission Act* that changes the name of the Hospital Services Commission of Ontario to the Ontario Hospital Services Commission.

SECTION 2. This amendment is designed to prevent an unqualified person from being employed in a hospital as a medical or surgical interne.

SECTION 3. These provisions are re-enacted in order to provide a time limit within which notice must be given by a hospital to a municipality that a resident of the municipality has been admitted as an indigent patient or that the patient has become indigent after admission.

An Act to amend The Public Hospitals Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *c* of section 1 of *The Public Hospitals Act* is ^{R.S.O. 1960.} amended by striking out "Hospital Services Commission of ^{c. 322, s. 1,} Ontario" in the first and second lines and inserting in lieu thereof "Ontario Hospital Services Commission", so that the ^{cl. c,} clause shall read as follows: ^{amended}

(*c*) "Commission" means the Ontario Hospital Services Commission.

2. *The Public Hospitals Act* is amended by adding thereto ^{R.S.O. 1960.} the following section: ^{c. 322,} ^{amended}

17a. No person shall be employed as an interne in a ^{Interne} hospital unless he is registered under *The Medical* ^{R.S.O. 1960.} *Act*. ^{c. 234}

3. Subsections 1 and 2 of section 21 of *The Public Hospitals* ^{R.S.O. 1960.} *Act* are repealed and the following substituted therefor: ^{c. 322, s. 21,} ^{subss. 1, 2,} ^{re-enacted}

- (1) Not later than ninety days after the admission to a hospital of a patient who is or is represented to be an indigent person or the dependant of an indigent person, the superintendent shall, by registered mail, notify the clerk of the municipality in which such indigent person is or is represented to be a resident of such admission, giving such particulars as are ascertainable to enable the clerk to identify the indigent person. ^{Notice to municipality of admission of indigent to hospital}
- (2) Where a patient becomes an indigent person or is the dependant of a person who becomes an indigent person after admission to a hospital, the superintendent shall notify the clerk of the municipality ^{Indigency after admission}

in accordance with subsection 1 not later than ninety days after the indigency becomes known to the superintendent.

R.S.O. 1960,
c. 322, s. 35,
subs. 1,
amended

4. Subsection 1 of section 35 of *The Public Hospitals Act* is amended by adding thereto the following clause:

- (ka) requiring a written agreement between each Group A hospital and the university with which the hospital is affiliated for the purpose of providing instruction in the hospital to medical and dental students of the university, and prescribing provisions that shall be included in any such agreement.

R.S.O. 1960,
c. 322,
amended

5. *The Public Hospitals Act* is amended by adding thereto the following section:

Notice to
College of
disciplinary
action
against
physician

36. Where any disciplinary action is taken by a board or a medical advisory committee against a member of a medical staff because of incompetence, negligence or any form of professional misconduct, the administrator shall forthwith send by mail a report of the disciplinary action and the reason for it to the College of Physicians and Surgeons of Ontario.

Commence-
ment

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. This Act may be cited as *The Public Hospitals Amendment Act, 1965*.

SECTION 4. This amendment will authorize regulations to require a proper written contract between a teaching hospital and the affiliated university, and to require the inclusion in any such contract of provisions to ensure that the students will receive the best possible instruction without detriment to the quality of patient care.

SECTION 5. This new provision requires the College of Physicians and Surgeons of Ontario to be notified of any disciplinary action taken against a physician by a hospital authority.

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An Act to amend The Public Hospitals Act

1st Reading

March 23rd, 1965

2nd Reading

3rd Reading

MR. DYMOND

BILL 76

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Public Hospitals Act

MR. DYMOND

(Reprinted as amended by the Committee of the Whole House)

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

EXPLANATORY NOTES

SECTION 1. This amendment is complementary to an amendment to *The Hospital Services Commission Act* that changes the name of the Hospital Services Commission of Ontario to the Ontario Hospital Services Commission.

SECTION 2. This amendment is designed to prevent an unqualified person from being employed in a hospital as a medical or surgical interne.

SECTION 3. These provisions are re-enacted in order to provide a time limit within which notice must be given by a hospital to a municipality that a resident of the municipality has been admitted as an indigent patient or that the patient has become indigent after admission.

BILL 76

1965

An Act to amend The Public Hospitals Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *c* of section 1 of *The Public Hospitals Act* is amended by striking out "Hospital Services Commission of Ontario" in the first and second lines and inserting in lieu thereof "Ontario Hospital Services Commission", so that the clause shall read as follows: R.S.O. 1960,
c. 322, s. 1,
cl. *c*,
amended

(c) "Commission" means the Ontario Hospital Services Commission.

2. *The Public Hospitals Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 322,
amended

17a. No person shall be employed as an interne in a hospital unless he is registered under *The Medical Act*. Internes
R.S.O. 1960,
c. 234

3. Subsections 1 and 2 of section 21 of *The Public Hospitals Act* are repealed and the following substituted therefor: R.S.O. 1960,
c. 322, s. 21,
subss. 1, 2,
re-enacted

(1) Not later than ninety days after the admission to a hospital of a patient who is or is represented to be an indigent person or the dependant of an indigent person, the superintendent shall, by registered mail, notify the clerk of the municipality in which such indigent person is or is represented to be a resident of such admission, giving such particulars as are ascertainable to enable the clerk to identify the indigent person. Notice to
municipality
of admission
of indigent
to hospital

(2) Where a patient becomes an indigent person or is the dependant of a person who becomes an indigent person after admission to a hospital, the superintendent shall notify the clerk of the municipality Indigency
after
admission

in accordance with subsection 1 not later than ninety days after the indigency becomes known to the superintendent.

R.S.O. 1960,
c. 322, s. 35,
subs. 1,
amended

4. Subsection 1 of section 35 of *The Public Hospitals Act* is amended by adding thereto the following clause:

- (ka) requiring a written agreement between each Group A hospital and the university with which the hospital is affiliated for the purpose of providing instruction in the hospital to medical and dental students of the university, and prescribing provisions that shall be included in any such agreement.

R.S.O. 1960,
c. 322,
amended

5. *The Public Hospitals Act* is amended by adding thereto the following section:

Notice to
College of
disciplinary
action
against
physician

36. Where the privileges of any member of the medical staff are restricted or cancelled for any reason by specific resolution of the board of governors or where any disciplinary action is taken by a board or a medical advisory committee against a member of the medical staff because of incompetence, negligence or any form of professional misconduct, the administrator shall forward a report of the action and the reason for it to the College of Physicians and Surgeons of Ontario.

Commence-
ment

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. This Act may be cited as *The Public Hospitals Amendment Act, 1965*.

SECTION 4. This amendment will authorize regulations to require a proper written contract between a teaching hospital and the affiliated university, and to require the inclusion in any such contract of provisions to ensure that the students will receive the best possible instruction without detriment to the quality of patient care.

SECTION 5. This new provision requires the College of Physicians and Surgeons of Ontario to be notified of any disciplinary action taken against a physician by a hospital authority.

An Act to amend The Public Hospitals Act

1st Reading

March 23rd, 1965

2nd Reading

March 30th, 1965

3rd Reading

MR. DYMOND

(Reprinted as amended by the
Committee of the Whole House)

BILL 76

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Public Hospitals Act

MR. DYMOND

1. The first part of the paper is devoted to the study of the properties of the function $f(x)$ defined by the equation

$$f(x) = \int_0^x \frac{1}{1+t^2} dt$$



BILL 76

1965

An Act to amend The Public Hospitals Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *c* of section 1 of *The Public Hospitals Act* is ^{R.S.O. 1960, c. 322, s. 1, amended} amended by striking out "Hospital Services Commission of Ontario" in the first and second lines and inserting in lieu thereof "Ontario Hospital Services Commission", so that the clause shall read as follows:

(c) "Commission" means the Ontario Hospital Services Commission.

2. *The Public Hospitals Act* is amended by adding thereto ^{R.S.O. 1960, c. 322, amended} the following section:

17a. No person shall be employed as an interne in a ^{Interne} hospital unless he is registered under *The Medical Act*. ^{R.S.O. 1960, c. 234}

3. Subsections 1 and 2 of section 21 of *The Public Hospitals Act* are repealed and the following substituted therefor: ^{R.S.O. 1960, c. 322, s. 21, subss. 1, 2, re-enacted}

- (1) Not later than ninety days after the admission to a hospital of a patient who is or is represented to be an indigent person or the dependant of an indigent person, the superintendent shall, by registered mail, notify the clerk of the municipality in which such indigent person is or is represented to be a resident of such admission, giving such particulars as are ascertainable to enable the clerk to identify the indigent person. ^{Notice to municipality of admission of indigent to hospital}
- (2) Where a patient becomes an indigent person or is the dependant of a person who becomes an indigent person after admission to a hospital, the superintendent shall notify the clerk of the municipality ^{Indigency after admission}

in accordance with subsection 1 not later than ninety days after the indigency becomes known to the superintendent.

R.S.O. 1960,
c. 322, s. 35,
subs. 1,
amended

4. Subsection 1 of section 35 of *The Public Hospitals Act* is amended by adding thereto the following clause:

- (ka) requiring a written agreement between each Group A hospital and the university with which the hospital is affiliated for the purpose of providing instruction in the hospital to medical and dental students of the university, and prescribing provisions that shall be included in any such agreement.

R.S.O. 1960,
c. 322
amended

5. *The Public Hospitals Act* is amended by adding thereto the following section:

Notice to
College of
disciplinary
action
against
physician

36. Where the privileges of any member of the medical staff are restricted or cancelled for any reason by specific resolution of the board of governors or where any disciplinary action is taken by a board or a medical advisory committee against a member of the medical staff because of incompetence, negligence or any form of professional misconduct, the administrator shall forward a report of the action and the reason for it to the College of Physicians and Surgeons of Ontario.

Commence-
ment

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. This Act may be cited as *The Public Hospitals Amendment Act, 1965*.



An Act to amend The Public Hospitals Act

1st Reading

March 23rd, 1965

2nd Reading

March 30th, 1965

3rd Reading

April 14th, 1965

MR. DYMOND

BILL 77

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Private Hospitals Act

MR. DYMOND

EXPLANATORY NOTES

SECTION 1. This amendment is complementary to an amendment to *The Hospital Services Commission Act* that changes the name of the Hospital Services Commission of Ontario to the Ontario Hospital Services Commission.

SECTION 2. This new provision is designed to prevent an unqualified person from being employed in a private hospital as a medical or surgical interne. A similar amendment is being made to *The Public Hospitals Act*.

BILL 77

1965

An Act to amend The Private Hospitals Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *aa* of section 1 of *The Private Hospitals Act*, as relettered by section 1 of *The Private Hospitals Amendment Act, 1962-63*, is amended by striking out "Hospital Services Commission of Ontario" in the first and second lines and inserting in lieu thereof "Ontario Hospital Services Commission", so that the clause shall read as follows:

R.S.O. 1960,
c. 305, s. 1,
cl. *aa*,
amended

(*aa*) "Commission" means the Ontario Hospital Services Commission.

2. *The Private Hospitals Act* is amended by adding thereto the following section:

R.S.O. 1960,
c. 305,
amended

14a. No person shall be employed as an interne in a private hospital unless he is registered under *The Medical Act*.

Interne
R.S.O. 1960,
c. 234

3. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

4. This Act may be cited as *The Private Hospitals Amendment Act, 1965*.

Short title

An Act to amend
The Private Hospitals Act

1st Reading

March 23rd, 1965

2nd Reading

3rd Reading

MR. DYMOND

BILL 77

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Private Hospitals Act

MR. DYMOND

TORONTO

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BILL 77

1965

An Act to amend The Private Hospitals Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *aa* of section 1 of *The Private Hospitals Act*, as relettered by section 1 of *The Private Hospitals Amendment Act, 1962-63*, is amended by striking out "Hospital Services Commission of Ontario" in the first and second lines and inserting in lieu thereof "Ontario Hospital Services Commission", so that the clause shall read as follows:

R.S.O. 1960,
c. 305, s. 1,
cl. *aa*,
amended

(*aa*) "Commission" means the Ontario Hospital Services Commission.

2. *The Private Hospitals Act* is amended by adding thereto the following section:

R.S.O. 1960,
c. 305,
amended

14a. No person shall be employed as an interne in a private hospital unless he is registered under *The Medical Act*.

Interne
R.S.O. 1960,
c. 234

3. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

4. This Act may be cited as *The Private Hospitals Amendment Act, 1965*.

Short title

An Act to amend
The Private Hospitals Act

1st Reading

March 23rd, 1965

2nd Reading

March 30th, 1965

3rd Reading

April 14th, 1965

MR. DYMOND

BILL 78

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Community Centres Act

MR. STEWART

EXPLANATORY NOTE

The present section 8 permits the Minister to make grants to a school board or board of education to provide for the establishment of an athletic field, an outdoor swimming pool or an outdoor skating rink.

The section is re-enacted to permit the Minister to make grants to a school board or board of education in territory without municipal organization to provide, in addition, for a community hall.

BILL 78

1965

An Act to amend The Community Centres Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 8 of *The Community Centres Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 60, s. 8,
re-enacted

8. The Minister may make grants to a public, separate, continuation or high school board, or board of education, to provide for an athletic field, an outdoor swimming pool or an outdoor skating rink and, in the case of a school board or board of education having jurisdiction only in territory without municipal organization, to provide in addition for a community hall, on the same terms as set forth in this Act, except that such fields, pools, rinks and community halls shall be managed and conducted by the school board or board of education, and such property shall be vested in the school board or board of education, provided always that such fields, pools, rinks and community halls shall be available for the uses prescribed by the regulations. Grants to
school
boards

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Community Centres Amendment Act, 1965*. Short title

An Act to amend
The Community Centres Act

1st Reading

March 23rd, 1965

2nd Reading

3rd Reading

MR. STEWART

BILL 78

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Community Centres Act

MR. STEWART

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BILL 78

1965

An Act to amend The Community Centres Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 8 of *The Community Centres Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 60, s. 8,
re-enacted

8. The Minister may make grants to a public, separate, continuation or high school board, or board of education, to provide for an athletic field, an outdoor swimming pool or an outdoor skating rink and, in the case of a school board or board of education having jurisdiction only in territory without municipal organization, to provide in addition for a community hall, on the same terms as set forth in this Act, except that such fields, pools, rinks and community halls shall be managed and conducted by the school board or board of education, and such property shall be vested in the school board or board of education, provided always that such fields, pools, rinks and community halls shall be available for the uses prescribed by the regulations. Grants to
school
boards

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Community Centres Amendment Act, 1965*. Short title

An Act to amend
The Community Centres Act

1st Reading

March 23rd, 1965

2nd Reading

April 8th, 1965

3rd Reading

April 14th, 1965

MR. STEWART

BILL 79

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Municipal Franchises Act

MR. SPOONER

1310

1310

EXPLANATORY NOTE

The clause repealed provides that the Act does not apply to a by-law of a county or township that is approved by the Lieutenant Governor in Council.

1310

BILL 79

1965

**An Act to amend
The Municipal Franchises Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *e* of subsection 1 of section 6 of *The Municipal Franchises Act* is repealed. R.S.O. 1960,
c. 255, s. 6,
subs. 1,
cl. *e*,
repealed
2. This Act comes into force on the day it receives Royal Assent. Commence-
ment
3. This Act may be cited as *The Municipal Franchises Amendment Act, 1965*. Short title

An Act to amend
The Municipal Franchises Act

1st Reading

March 26th, 1965

2nd Reading

3rd Reading

MR. SPOONER

BILL 79

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Municipal Franchises Act

MR. SPOONER

Received for consideration, March 10, 1964
 Accepted for publication, May 10, 1964

THE EFFECT OF TEMPERATURE ON THE GROWTH OF *Salmonella typhimurium*

W. J. H. VAN DER PLIGT,¹
 J. H. VAN DER PLIGT,²
 J. H. VAN DER PLIGT,³
 J. H. VAN DER PLIGT,⁴
 J. H. VAN DER PLIGT,⁵
 J. H. VAN DER PLIGT,⁶
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 J. H. VAN DER PLIGT,⁸
 J. H. VAN DER PLIGT,⁹
 J. H. VAN DER PLIGT,¹⁰

BILL 79

1965

An Act to amend The Municipal Franchises Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *e* of subsection 1 of section 6 of *The Municipal Franchises Act* is repealed. R.S.O. 1960,
c. 255, s. 6,
subs. 1,
cl. *e*,
repealed
2. This Act comes into force on the day it receives Royal Assent. Commence-
ment
3. This Act may be cited as *The Municipal Franchises Amendment Act, 1965*. Short title

An Act to amend
The Municipal Franchises Act

1st Reading

March 26th, 1965

2nd Reading

March 30th, 1965

3rd Reading

April 14th, 1965

MR. SPOONER

BILL 80

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Legislative Assembly Act

MR. ROBARTS

EXPLANATORY NOTE

This Bill increases,

- (a) the indemnity from \$5,000 to \$8,000;
- (b) the expense allowance from \$2,000 to \$3,000 for Metro members and from \$2,000 to \$4,000 for other members;
- (c) the maximum advance on the indemnity from \$300 to \$450 per month and on the expense allowance from \$150 to \$250 per month;
- (d) the travelling allowance from 6 to 15 trips per year from the members' homes to Queen's Park,

effective for the current fiscal year.

BILL 80 1965

An Act to amend The Legislative Assembly Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 60 of *The Legislative Assembly Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 208, s. 60, subs. 1, re-enacted

(1) An indemnity at the rate of \$8,000 per annum shall be paid to every member of the Assembly. Members' indemnities

(1a) An allowance for expenses at the rate of \$3,000 per annum shall be paid to every member of the Assembly representing an electoral district within The Municipality of Metropolitan Toronto and at the rate of \$4,000 per annum for every member representing any other electoral district. Members' allowances

(2) Subsection 4 of the said section 60, as re-enacted by section 1 of *The Legislative Assembly Amendment Act, 1964*, is amended by striking out "\$300" in the fourth line and inserting in lieu thereof "\$450" and by striking out "\$150" in the sixth line and inserting in lieu thereof "\$250", so that the subsection shall read as follows: R.S.O. 1960, c. 208, s. 60, subs. 4 (1964, c. 55, s. 1), amended

(4) Notwithstanding subsection 3, upon the request of a member, there shall be paid, out of the moneys that have accrued to him at the time the request is made, any part of his indemnity, not exceeding \$450 per month, and any part of his allowance for expenses, not exceeding \$250 per month. advances

2. Section 64 of *The Legislative Assembly Act* is amended by striking out "six" in the second line and inserting in lieu thereof "fifteen", so that the section shall read as follows: R.S.O. 1960, c. 208, s. 64, amended

64. There shall be allowed to each member of the Assembly in respect of fifteen trips per annum from his place of residence to the seat of government at Members' mileage allowance

Toronto 10 cents for every mile of the distance between his place of residence and Toronto, which distance shall be determined and certified by the Speaker.

Commence-
ment

3. This Act shall be deemed to have come into force on the 1st day of April, 1964.

Short title

4. This Act may be cited as *The Legislative Assembly Amendment Act, 1965*.

An Act to amend
The Legislative Assembly Act

1st Reading

March 29th, 1965

2nd Reading

3rd Reading

MR. ROBARTS

BILL 80

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Legislative Assembly Act

MR. ROBARTS

(Reprinted as amended by the Select Committee)

EXPLANATORY NOTE

This Bill increases,

- (a) the indemnity from \$5,000 to \$8,000;
- (b) the expense allowance from \$2,000 to \$3,000 for Metro members and from \$2,000 to \$4,000 for other members;
- (c) the maximum advance on the indemnity from \$300 to \$450 per month and on the expense allowance from \$150 to \$250 per month;
- (d) the travelling allowance from 6 to 15 trips per year to and from the members' homes and Queen's Park,

effective for the current fiscal year.

BILL 80 *of session opened at the 2nd day of March 1965* **1965**

An Act to amend The Legislative Assembly Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 60 of *The Legislative Assembly Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 208, s. 60, subs. 1, re-enacted

(1) An indemnity at the rate of \$8,000 per annum shall be paid to every member of the Assembly. Members' indemnities

(1a) An allowance for expenses at the rate of \$3,000 per annum shall be paid to every member of the Assembly representing an electoral district within The Municipality of Metropolitan Toronto and at the rate of \$4,000 per annum for every member representing any other electoral district. Members' allowances

(2) Subsection 4 of the said section 60, as re-enacted by section 1 of *The Legislative Assembly Amendment Act, 1964*, is amended by striking out "\$300" in the fourth line and inserting in lieu thereof "\$450" and by striking out "\$150" in the sixth line and inserting in lieu thereof "\$250", so that the subsection shall read as follows: R.S.O. 1960, c. 208, s. 60, subs. 4 (1964, c. 55, s. 1), amended

(4) Notwithstanding subsection 3, upon the request of a member, there shall be paid, out of the moneys that have accrued to him at the time the request is made, any part of his indemnity, not exceeding \$450 per month, and any part of his allowance for expenses, not exceeding \$250 per month. advances

2. Section 64 of *The Legislative Assembly Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 208, s. 64, re-enacted

64. There shall be allowed to each member of the Assembly in respect of fifteen trips per annum from his place of residence to the seat of government at Members' mileage allowance

Toronto 10 cents for every mile of the distance between his place of residence to Toronto and return, which distance shall be determined and certified by the Speaker.

Commence-
ment

3. This Act shall be deemed to have come into force on the 1st day of April, 1964.

Short title

4. This Act may be cited as *The Legislative Assembly Amendment Act, 1965*.

An Act to amend
The Legislative Assembly Act

1st Reading

March 29th, 1965

2nd Reading

March 30th, 1965

3rd Reading

MR. ROBARTS

*(Reprinted as amended by the
Select Committee)*

BILL 80

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Legislative Assembly Act

MR. ROBARTS

BILL 80

1965

An Act to amend The Legislative Assembly Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 60 of *The Legislative Assembly Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 208, s. 60, subs. 1, re-enacted

(1) An indemnity at the rate of \$8,000 per annum shall be paid to every member of the Assembly. Members' indemnities

(1a) An allowance for expenses at the rate of \$3,000 per annum shall be paid to every member of the Assembly representing an electoral district within The Municipality of Metropolitan Toronto and at the rate of \$4,000 per annum for every member representing any other electoral district. Members' allowances

(2) Subsection 4 of the said section 60, as re-enacted by section 1 of *The Legislative Assembly Amendment Act, 1964*, is amended by striking out "\$300" in the fourth line and inserting in lieu thereof "\$450" and by striking out "\$150" in the sixth line and inserting in lieu thereof "\$250", so that the subsection shall read as follows: R.S.O. 1960, c. 208, s. 60, subs. 4 (1964, c. 55, s. 1), amended

(4) Notwithstanding subsection 3, upon the request of a member, there shall be paid, out of the moneys that have accrued to him at the time the request is made, any part of his indemnity, not exceeding \$450 per month, and any part of his allowance for expenses, not exceeding \$250 per month. advances

2. Section 64 of *The Legislative Assembly Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 208, s. 64, re-enacted

64. There shall be allowed to each member of the Assembly in respect of fifteen trips per annum from his place of residence to the seat of government at Members' mileage allowance

Toronto 10 cents for every mile of the distance between his place of residence to Toronto and return, which distance shall be determined and certified by the Speaker.

Commence-
ment

3. This Act shall be deemed to have come into force on the 1st day of April, 1964.

Short title

4. This Act may be cited as *The Legislative Assembly Amendment Act, 1965*.



An Act to amend
The Legislative Assembly Act

1st Reading

March 29th, 1965

2nd Reading

March 30th, 1965

3rd Reading

April 14th, 1965

MR. ROBARTS

BILL 81

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Municipal Franchise Extension Act

MR. SOPHA

EXPLANATORY NOTE

The amendments entitle all municipal residents 21 years of age or over, who have been residents for at least one year, to vote in municipal elections and on all questions and by-laws, including money by-laws.

BILL 81

1965

An Act to amend The Municipal Franchise Extension Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 1 of *The Municipal Franchise Extension Act* is repealed. R.S.O. 1960,
c. 254, s. 1,
subs. 1,
repealed

2. Section 2 of *The Municipal Franchise Extension Act* is repealed. R.S.O. 1960,
c. 254, s. 2,
repealed

3. *The Municipal Franchise Extension Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 254,
amended

5a. Notwithstanding *The Municipal Act*, every person on the resident voters' list is qualified to vote at municipal elections and on all questions and by-laws, including money by-laws. When
resident
voters
may vote
R.S.O. 1960,
c. 249

4. Section 6 of *The Municipal Franchise Extension Act* is amended by striking out "for members of council" in the third line and inserting in lieu thereof "and on all questions and by-laws, including money by-laws", so that the section shall read as follows: R.S.O. 1960,
c. 254, s. 6,
amended

6. The certified resident voters' list is final and conclusive evidence that every person named thereon is entitled to vote at municipal elections and on all questions and by-laws, including money by-laws, except, Effect of
certified
list

(a) persons not resident in the municipality on the day of polling; and

(b) persons guilty of corrupt practices at or in respect of the election in question, or since the list was certified.

Commence-
ment

5. This Act comes into force on the 1st day of January, 1966.

Short title

6. This Act may be cited as *The Municipal Franchise Extension Amendment Act, 1965*.

19 1109



An Act to amend
The Municipal Franchise Extension Act

1st Reading

March 29th, 1965

2nd Reading

3rd Reading

MR. SOPHA

BILL 82

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Junior Farmer Establishment Act

MR. STEWART

EXPLANATORY NOTES

SECTION 1. The amendment provides for the appointment of valuers by the Lieutenant Governor in Council.

SECTION 2. Self-explanatory.

SECTION 3. The amendment is for clarification.

An Act to amend The Junior Farmer Establishment Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 12 of *The Junior Farmer Establishment Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 198, s. 12, subs. 1, re-enacted

- (1) Before making a loan under the Act, the Corporation shall obtain a report as to the value of the security offered by the applicant from a valuator appointed by the Lieutenant Governor in Council. Valuator's report

2. Section 14 of *The Junior Farmer Establishment Act*, as re-enacted by section 7 of *The Junior Farmer Establishment Amendment Act, 1962-63* and amended by section 1 of *The Junior Farmer Establishment Amendment Act, 1964*, is further amended by adding thereto the following subsection: R.S.O. 1960, c. 198, s. 14 (1962-63, c. 66, s. 7), amended

- (5) Where any part of the lands offered as security for a loan is subject to an interest for the life of a person other than the borrower and, in the opinion of the Corporation, such life interest will not affect the farming operation of the lands by the borrower, the person holding the life interest may be joined in the mortgage as a mortgagor in respect of the life interest. Holder of life interest may be mortgagor

3. Subsection 2 of section 16 of *The Junior Farmer Establishment Act*, as re-enacted by subsection 2 of section 8 of *The Junior Farmer Establishment Amendment Act, 1962-63*, is repealed and the following substituted therefor: R.S.O. 1960, c. 198, s. 16, subs. 2 (1962-63, c. 66, s. 8, subs. 2), re-enacted

- (2) Instalments of principal and interest shall be equal and shall be payable annually not later than a date determined by the Corporation, but a payment of interest only on the moneys advanced may be required on a date before the first date on which principal and interest are payable. Annual instalments of principal and interest

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Junior Farmer Establishment Amendment Act, 1965*.

25 116

Approved by the
Parliament of the United Kingdom

Enacted by the Queen's
+ H

in pursuance of the
powers conferred by the

Statute in that behalf
enacted, the Queen's
most Excellent Majesty doth hereby
give the following

Act in full effect, and the
same shall be the law
of the United Kingdom
in that behalf
enacted, the Queen's
most Excellent Majesty doth hereby
give the following

Act in full effect, and the
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of the United Kingdom
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enacted, the Queen's
most Excellent Majesty doth hereby
give the following



An Act to amend
The Junior Farmer Establishment Act

1st Reading

March 29th, 1965

2nd Reading

3rd Reading

MR. STEWART

BILL 82

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Junior Farmer Establishment Act

MR. STEWART

THE UNIVERSITY OF CHICAGO
LIBRARY

THE UNIVERSITY OF CHICAGO LIBRARY

1888

BILL 82

1965

An Act to amend The Junior Farmer Establishment Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 12 of *The Junior Farmer Establishment Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 198, s. 12, subs. 1, re-enacted

- (1) Before making a loan under the Act, the Corporation shall obtain a report as to the value of the security offered by the applicant from a valuator appointed by the Lieutenant Governor in Council. Valuator's report

2. Section 14 of *The Junior Farmer Establishment Act*, as re-enacted by section 7 of *The Junior Farmer Establishment Amendment Act, 1962-63* and amended by section 1 of *The Junior Farmer Establishment Amendment Act, 1964*, is further amended by adding thereto the following subsection: R.S.O. 1960, c. 198, s. 14 (1962-63, c. 66, s. 7), amended

- (5) Where any part of the lands offered as security for a loan is subject to an interest for the life of a person other than the borrower and, in the opinion of the Corporation, such life interest will not affect the farming operation of the lands by the borrower, the person holding the life interest may be joined in the mortgage as a mortgagor in respect of the life interest. Holder of life interest may be mortgagor

3. Subsection 2 of section 16 of *The Junior Farmer Establishment Act*, as re-enacted by subsection 2 of section 8 of *The Junior Farmer Establishment Amendment Act, 1962-63*, is repealed and the following substituted therefor: R.S.O. 1960, c. 198, s. 16, subs. 2 (1962-63, c. 66, s. 8, subs. 2), re-enacted

- (2) Instalments of principal and interest shall be equal and shall be payable annually not later than a date determined by the Corporation, but a payment of interest only on the moneys advanced may be required on a date before the first date on which principal and interest are payable. Annual instalments of principal and interest

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Junior Farmer Establishment Amendment Act, 1965*.

OF 1965

2000-00-00

2000-00-00

8

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An Act to amend
The Junior Farmer Establishment Act

1st Reading

March 29th, 1965

2nd Reading

April 8th, 1965

3rd Reading

April 14th, 1965

MR. STEWART

BILL 83

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Energy Act, 1964

MR. SIMONETT

EXPLANATORY NOTES

SECTION 1. The purpose of this amendment is to exclude "hard-rock" drilling from the purview of the Act.

SECTION 2. The scope of the prohibition is extended to cover machines used for deepening or plugging wells.

SECTION 3—Subsections 1 and 2. The scope of the regulatory powers is widened.

BILL 83

1965

An Act to amend The Energy Act, 1964

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 26 of section 1 of *The Energy Act, 1964* is ^{1964, c. 27, s. 1, par. 26, amended} amended by inserting after "bored" in the second line "into a formation other than Precambrian", so that the paragraph shall read as follows:

26. "well" means a well drilled or bored for gas or oil, and includes a hole drilled or bored into a formation other than Precambrian for obtaining sub-surface information, an injection well, a well for the disposal of waste substances and any other type of service well, a well for the storage of hydrocarbons, and an observation well, but does not include a well for the extraction of salt or brine or a well for the supply of water, except that, where gas or oil is encountered during any drilling or boring operation, the operation thereupon becomes a well.

2. Subsection 2 of section 5 of *The Energy Act, 1964* is ^{1964, c. 27, s. 5, subs. 2, amended} amended by striking out "or drilling" in the first line and inserting in lieu thereof "drilling, deepening or plugging", so that the subsection shall read as follows:

- (2) No person shall operate a machine for boring, drilling, ^{No well-drilling machine to be operated without licence} deepening or plugging wells unless the machine is licensed.

3.—(1) Clause *c* of subsection 1 of section 11 of *The Energy Act, 1964* is repealed and the following substituted therefor: ^{1964, c. 27, s. 11, subs. 1, cl. c, re-enacted}

- (c) prescribing the terms and conditions of gas and oil production leases and gas storage leases or any part thereof, and providing for the making of statements or reports thereon.

1964, c. 27,
s. 11,
subs. 1,
cl. j,
amended

(2) Clause *j* of subsection 1 of said section 11 is amended by adding at the end thereof "and requiring and regulating the joining of the various interests within a spacing unit for the purpose of drilling or operating a well and the apportioning of the costs and the benefits of such drilling or operation", so that the clause shall read as follows:

- (j) to provide for the designation of spacing units and regulating the location of wells in spacing units and requiring and regulating the joining of the various interests within a spacing unit for the purpose of drilling or operating a well and the apportioning of the costs and the benefits of such drilling or operation.

1964, c. 27,
s. 11,
subs. 2,
cl. g,
amended

(3) Clause *g* of subsection 2 of the said section 11 is amended by striking out "gas" in the third line, so that the clause shall read as follows:

- (g) providing for the registration of persons or classes of persons who may inspect, install, repair, service or remove appliances or pipe lines, and prescribing the acts that such persons must perform personally.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Energy Amendment Act, 1965*.

Subsection 3. The scope of the regulatory power is widened to include fuel-oil appliances.



An Act to amend The Energy Act, 1964

1st Reading

March 29th, 1965

2nd Reading

3rd Reading

MR. SIMONETT

BILL 83

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Energy Act, 1964

MR. SIMONETT

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

110

BILL 83

1965

An Act to amend The Energy Act, 1964

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 26 of section 1 of *The Energy Act, 1964* is ^{1964, c. 27, s. 1, par. 26, amended} amended by inserting after "bored" in the second line "into a formation other than Precambrian", so that the paragraph shall read as follows:

26. "well" means a well drilled or bored for gas or oil, and includes a hole drilled or bored into a formation other than Precambrian for obtaining sub-surface information, an injection well, a well for the disposal of waste substances and any other type of service well, a well for the storage of hydrocarbons, and an observation well, but does not include a well for the extraction of salt or brine or a well for the supply of water, except that, where gas or oil is encountered during any drilling or boring operation, the operation thereupon becomes a well.

2. Subsection 2 of section 5 of *The Energy Act, 1964* is ^{1964, c. 27, s. 5, subs. 2, amended} amended by striking out "or drilling" in the first line and inserting in lieu thereof "drilling, deepening or plugging", so that the subsection shall read as follows:

- (2) No person shall operate a machine for boring, drilling, ^{No well-drilling machine to be operated without licence} deepening or plugging wells unless the machine is licensed.

3.—(1) Clause *c* of subsection 1 of section 11 of *The Energy Act, 1964* is repealed and the following substituted therefor: ^{1964, c. 27, s. 11, subs. 1, cl. c, re-enacted}

- (c) prescribing the terms and conditions of gas and oil production leases and gas storage leases or any part thereof, and providing for the making of statements or reports thereon.

1964, c. 27,
s. 11,
subs. 1,
cl. j,
amended

(2) Clause *j* of subsection 1 of said section 11 is amended by adding at the end thereof "and requiring and regulating the joining of the various interests within a spacing unit for the purpose of drilling or operating a well and the apportioning of the costs and the benefits of such drilling or operation", so that the clause shall read as follows:

- (j) to provide for the designation of spacing units and regulating the location of wells in spacing units and requiring and regulating the joining of the various interests within a spacing unit for the purpose of drilling or operating a well and the apportioning of the costs and the benefits of such drilling or operation.

1964, c. 27,
s. 11,
subs. 2,
cl. g,
amended

(3) Clause *g* of subsection 2 of the said section 11 is amended by striking out "gas" in the third line, so that the clause shall read as follows:

- (g) providing for the registration of persons or classes of persons who may inspect, install, repair, service or remove appliances or pipe lines, and prescribing the acts that such persons must perform personally.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Energy Amendment Act, 1965*.



An Act to amend The Energy Act, 1964

1st Reading

March 29th, 1965

2nd Reading

April 13th, 1965

3rd Reading

June 21st, 1965

MR. SIMONETT

BILL 84

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Gas and Oil Leases Act, 1962-63

MR. SIMONETT

EXPLANATORY NOTE

This Bill contains two principal amendments:

(1) At present, only the lessor (as defined) may make an application under the Act. The words in the first and subsequent lines of subsection 1 of section 2 of the Act, as re-enacted by section 1 of this Bill, "or any other person having an interest in such land or any person authorized by such lessor or other person" are new and will enable the persons mentioned, as well as the lessor, to make applications.

(2) The words added in clause *a* of subsection 1 of section 2 of the Act, as re-enacted by section 1 of this Bill, "or has failed to complete the drilling of" are new and will cover a situation that does occur occasionally under some forms of gas or oil leases.

The other amendments in the Bill are complementary to the first of the two principles mentioned above.

BILL 84

1965

An Act to amend The Gas and Oil Leases Act, 1962-63

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 2 of *The Gas and Oil Leases Act, 1962-63* is amended by inserting after “land” in the first line “or any other person having an interest in such land or any person authorized by such lessor or other person”, by inserting after “drill” in the third line of clause *a* “or has failed to complete the drilling of” and by striking out “the lessor” in the eighteenth line and inserting in lieu thereof “such lessor or other person”, so that the subsection shall read as follows:

- (1) Where the lessor of any land or any other person ^{Application upon default} having an interest in such land or any person authorized by such lessor or other person alleges,
 - (a) that a lessee has made default under the terms of a gas or oil lease affecting the land in that he has failed to commence to drill or has failed to complete the drilling of a well for natural gas or oil and has failed to pay rentals in lieu thereof; or
 - (b) that a lessee has made default under the terms of a gas or oil lease affecting the land, other than a default specified in clause *a*, and
 - (i) that the default has continued for a period of two years, or
 - (ii) that, the default having continued for a period of less than two years, the lessor has given notice in writing to the lessee specifying the default alleged

and requiring the lessee to cure the default within thirty days of the giving of the notice, and that the lessee has not cured the default within such thirty days,

such lessor or other person may apply, upon affidavit, to a judge for an order declaring the lease void and, if the lease or any assignment or transfer thereof is registered, vacating every such registration.

1962-63,
c. 49, s. 2,
amended

(2) The said section 2 is amended by adding thereto the following subsection:

Idem

(6) Where an application is made by a person other than the lessor, the notice and affidavit mentioned in subsection 4 shall be served upon the lessor in the manner mentioned in that subsection.

1962-63,
c. 49, s. 6,
amended

2. Section 6 of *The Gas and Oil Leases Act, 1962-63* is amended by striking out "applicant" in the tenth line and inserting in lieu thereof "lessor", so that the section shall read as follows:

Subsequent
drilling,
etc., not
to be
taken into
account

6. The judge, upon the hearing of the application, shall not take into account,

(a) any drilling done or sought to be done after the making of the application;

(b) any rentals or other remuneration tendered after the making of the application; or

(c) any other attempt, made after the making of the application, to cure a default,

unless such drilling, tender or other action is agreed to or accepted by the lessor.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Gas and Oil Leases Amendment Act, 1965*.

1875
The following is a list of the names of the persons who have been elected to the office of the President of the United States since the year 1789.

George Washington
John Adams
Thomas Jefferson

James Madison

James Monroe
John Quincy Adams
Andrew Jackson

Martin Van Buren
Millard Fillmore
Franklin Pierce

Abraham Lincoln

Andrew Johnson

Ulysses S. Grant

Rutherford B. Hayes

James A. Garfield

Benjamin Harrison

William McKinley

1882

1882

1882

1882

1882

1882

An Act to amend
The Gas and Oil Leases Act, 1962-63

1st Reading

March 29th, 1965

2nd Reading

3rd Reading

MR. SIMONETT

BILL 84

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Gas and Oil Leases Act, 1962-63

MR. SIMONETT

An Act to amend The Gas and Oil Leases Act, 1962-63

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 2 of *The Gas and Oil Leases Act, 1962-63* is amended by inserting after “land” in the first line “or any other person having an interest in such land or any person authorized by such lessor or other person”, by inserting after “drill” in the third line of clause *a* “or has failed to complete the drilling of” and by striking out “the lessor” in the eighteenth line and inserting in lieu thereof “such lessor or other person”, so that the subsection shall read as follows:

1962-63,
c. 49, s. 2,
subs. 1,
amended

(1) Where the lessor of any land or any other person having an interest in such land or any person authorized by such lessor or other person alleges,

Applica-
tion upon
default

(a) that a lessee has made default under the terms of a gas or oil lease affecting the land in that he has failed to commence to drill or has failed to complete the drilling of a well for natural gas or oil and has failed to pay rentals in lieu thereof; or

(b) that a lessee has made default under the terms of a gas or oil lease affecting the land, other than a default specified in clause *a*, and

(i) that the default has continued for a period of two years, or

(ii) that, the default having continued for a period of less than two years, the lessor has given notice in writing to the lessee specifying the default alleged

and requiring the lessee to cure the default within thirty days of the giving of the notice, and that the lessee has not cured the default within such thirty days,

such lessor or other person may apply, upon affidavit, to a judge for an order declaring the lease void and, if the lease or any assignment or transfer thereof is registered, vacating every such registration.

1962-63,
c. 49, s. 2,
amended

(2) The said section 2 is amended by adding thereto the following subsection:

Idem

(6) Where an application is made by a person other than the lessor, the notice and affidavit mentioned in subsection 4 shall be served upon the lessor in the manner mentioned in that subsection.

1962-63,
c. 49, s. 6,
amended

2. Section 6 of *The Gas and Oil Leases Act, 1962-63* is amended by striking out "applicant" in the tenth line and inserting in lieu thereof "lessor", so that the section shall read as follows:

Subsequent
drilling,
etc., not
to be
taken into
account

6. The judge, upon the hearing of the application, shall not take into account,

- (a) any drilling done or sought to be done after the making of the application;
- (b) any rentals or other remuneration tendered after the making of the application; or
- (c) any other attempt, made after the making of the application, to cure a default,

unless such drilling, tender or other action is agreed to or accepted by the lessor.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Gas and Oil Leases Amendment Act, 1965*.

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LIBRARY
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CHICAGO, ILL. 60637

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CHICAGO, ILL. 60637

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540 EAST 57TH STREET
CHICAGO, ILL. 60637

THE UNIVERSITY OF CHICAGO
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540 EAST 57TH STREET
CHICAGO, ILL. 60637

An Act to amend
The Gas and Oil Leases Act, 1962-63

1st Reading

March 29th, 1965

2nd Reading

April 13th, 1965

3rd Reading

June 21st, 1965

MR. SIMONETT

BILL 85

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Planning Act

MR. SPOONER

EXPLANATORY NOTES

SECTION 1. The new section permits the Minister to refer to the Municipal Board any part of a plan which may be in dispute without holding up consideration and approval of the remainder of the plan.

SECTION 2—Subsection 1. Under subsection 8, as revised, the Minister would be relieved of the responsibility of seeing that the sum authorized is, in fact, the value of the land required to be conveyed, and he would merely authorize the acceptance of money, and it would then be the responsibility of the municipality to satisfy itself that the money accepted represents the value of the land.

Subsection 2. Under the present legislation, the approval of the Minister is required for the sale of any so-called "5 per cent lands" indefinitely. The amendment will require the approval of the Minister to such sales for a period of five years after the plan of subdivision has been approved and will permit such sales after that period without the approval of the Minister.

An Act to amend The Planning Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Planning Act* is amended by adding thereto the following section: R.S.O. 1960.
c. 296,
amended

12a.—(1) The Minister may refer any part of the plan to the Municipal Board, and, where any person requests the Minister to refer any part of the plan to the Municipal Board, the Minister shall refer such part to the Municipal Board, in which case the approval of the Municipal Board has the same force and effect as if it were the approval of the Minister. Reference
of part
of plan to
O.M.B.

(2) When a part of the plan has been referred to the Municipal Board, the Minister may approve the remainder of the plan, whereupon the remainder, together with such part of the plan as may be approved by the Municipal Board, is the official plan of the planning area. What to
form
official
plan

2.—(1) Subsection 8 of section 28 of *The Planning Act*, as re-enacted by subsection 1 of section 8 of *The Planning Amendment Act, 1962-63*, is repealed and the following substituted therefor: R.S.O. 1960.
c. 296, s. 28,
subs. 8
(1962-63,
c. 105, s. 8,
subs. 1),
re-enacted

(8) The Minister may authorize, in lieu of the conveyance for public purposes other than highways required under subsection 5, the acceptance by the municipality of money to the value of such land required to be conveyed. Cash
payment in
lieu of
conveyance

(2) Subsection 9 of the said section 28 is amended by adding at the end thereof "within a period of five years from the date of the approval of the plan of subdivision and may, after such period, be sold without the approval of the Minister", so that the subsection shall read as follows: R.S.O. 1960,
c. 296, s. 28,
subs. 9,
amended

Use and
sale of
land

- (9) Land conveyed to a municipality under subsection 5 shall be held and used by the municipality for public purposes, but may be sold with the approval of the Minister within a period of five years from the date of the approval of the plan of subdivision and may, after such period, be sold without the approval of the Minister.

R.S.O. 1960,
c. 296, s. 28,
subs. 10,
re-enacted

- (3) Subsection 10 of the said section 28, as amended by subsection 2 of section 5 of *The Planning Amendment Act, 1961-62* and subsection 2 of section 8 of *The Planning Amendment Act, 1962-63*, is repealed and the following substituted therefor:

Special
account

- (10) All moneys received by the municipality under subsections 8 and 9a and all moneys received on the sale of land under subsection 9, less any amount expended by the municipality out of its general funds in respect of such land, shall be paid into a special account, and the moneys in such special account shall be expended only for the acquisition of lands to be held and used by the municipality for park purposes or, with the approval of the Minister, for the acquisition of land to be held and used by the municipality for other public purposes, and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment of such moneys shall be paid into such special account, and the auditor in his annual report shall report on the activities and position of the account.

R.S.O. 1960,
c. 296, s. 30a
(1964, c. 90,
s. 4),
subs. 9,
amended

3. Subsection 9 of section 30a of *The Planning Act*, as enacted by section 4 of *The Planning Amendment Act, 1964*, is amended by striking out "appeal" in the third line and inserting in lieu thereof "application under subsection 10", so that the subsection shall read as follows:

Quorum
and
procedure

- (9) Two members of the committee constitute a quorum, and the committee may adopt its own rules of procedure but before hearing an application under subsection 10 shall give notice or direct that notice be given of such hearing to such persons as the committee considers should receive notice.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Planning Amendment Act, 1965*.

Subsection 3. The amendment authorizes expenditures out of the fund for the acquisition of land for park purposes without the approval of the Minister.

SECTION 3. The amendment is to correct a typographical error in the legislation which refers to an appeal whereas it should refer to an application under subsection 10.

THE
LIBRARY OF THE
MUSEUM OF NATURAL HISTORY
AND
ZOOLOGY
OF THE
CITY OF NEW YORK

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AND
ZOOLOGY
OF THE
CITY OF NEW YORK

An Act to amend The Planning Act

1st Reading

March 31st, 1965

2nd Reading

3rd Reading

MR. SPOONER

BILL 85

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Planning Act

MR. SPOONER

BILL 85

1965

An Act to amend The Planning Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Planning Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 296,
amended

12a.—(1) The Minister may refer any part of the plan to the Municipal Board, and, where any person requests the Minister to refer any part of the plan to the Municipal Board, the Minister shall refer such part to the Municipal Board, in which case the approval of the Municipal Board has the same force and effect as if it were the approval of the Minister. Reference
of part
of plan to
O.M.B.

(2) When a part of the plan has been referred to the Municipal Board, the Minister may approve the remainder of the plan, whereupon the remainder, together with such part of the plan as may be approved by the Municipal Board, is the official plan of the planning area. What to
form
official
plan

2.—(1) Subsection 8 of section 28 of *The Planning Act*, as re-enacted by subsection 1 of section 8 of *The Planning Amendment Act, 1962-63*, is repealed and the following substituted therefor: R.S.O. 1960,
c. 296, s. 28,
subs. 8
(1962-63,
c. 105, s. 8,
subs. 1),
re-enacted

(8) The Minister may authorize, in lieu of the conveyance for public purposes other than highways required under subsection 5, the acceptance by the municipality of money to the value of such land required to be conveyed. Cash
payment in
lieu of
conveyance

(2) Subsection 9 of the said section 28 is amended by adding at the end thereof "within a period of five years from the date of the approval of the plan of subdivision and may, after such period, be sold without the approval of the Minister", so that the subsection shall read as follows: R.S.O. 1960,
c. 296, s. 28,
subs. 9,
amended

Use and
sale of
land

- (9) Land conveyed to a municipality under subsection 5 shall be held and used by the municipality for public purposes, but may be sold with the approval of the Minister within a period of five years from the date of the approval of the plan of subdivision and may, after such period, be sold without the approval of the Minister.

R.S.O. 1960.
c. 296, s. 28,
subs. 10,
re-enacted

- (3) Subsection 10 of the said section 28, as amended by subsection 2 of section 5 of *The Planning Amendment Act, 1961-62* and subsection 2 of section 8 of *The Planning Amendment Act, 1962-63*, is repealed and the following substituted therefor:

Special
account

- (10) All moneys received by the municipality under subsections 8 and 9a and all moneys received on the sale of land under subsection 9, less any amount expended by the municipality out of its general funds in respect of such land, shall be paid into a special account, and the moneys in such special account shall be expended only for the acquisition of lands to be held and used by the municipality for park purposes or, with the approval of the Minister, for the acquisition of land to be held and used by the municipality for other public purposes, and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment of such moneys shall be paid into such special account, and the auditor in his annual report shall report on the activities and position of the account.

R.S.O. 1960.
c. 408

- 3.** Subsection 9 of section 30a of *The Planning Act*, as enacted by section 4 of *The Planning Amendment Act, 1964*, is amended by striking out "appeal" in the third line and inserting in lieu thereof "application under subsection 10", so that the subsection shall read as follows:

Quorum
and
procedure

- (9) Two members of the committee constitute a quorum, and the committee may adopt its own rules of procedure but before hearing an application under subsection 10 shall give notice or direct that notice be given of such hearing to such persons as the committee considers should receive notice.

Commence-
ment

- 4.** This Act comes into force on the day it receives Royal Assent.

Short title

- 5.** This Act may be cited as *The Planning Amendment Act, 1965*.



An Act to amend The Planning Act

1st Reading

March 31st, 1965

2nd Reading

April 28th, 1965

3rd Reading

June 21st, 1965

MR. SPOONER

BILL 86

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Motor Vehicle Accident Claims Act, 1961-62

MR. HASKETT

EXPLANATORY NOTES

SECTION 1. The amendment is to make the Registrar agent of the operator as well as of the owner of an uninsured motor vehicle.

SECTION 2. At present, the release that is executed by an applicant for payment out of the Fund extinguishes the cause of action of an insurer to exercise his right of subrogation under section 210 of *The Insurance Act*. The new provision is to preserve the rights of recovery of an insured against any person to which an insurer becomes subrogated under section 210 of *The Insurance Act*.

BILL 86

1965

**An Act to amend
The Motor Vehicle Accident Claims Act, 1961-62**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 4 of *The Motor Vehicle Accident Claims Act, 1961-62* is amended by inserting after "owner" in the second line "and of the operator", so that the subsection, exclusive of the clauses, shall read as follows:

1961-62,
c. 84, s. 4,
subs. 1,
amended

- (1) The Registrar is deemed to be an agent of the owner and of the operator of every uninsured motor vehicle for service of notice or process in an action in Ontario arising out of the use or operation in Ontario of the uninsured motor vehicle, and, where such an action is commenced,

Registrar
agent for
owner and
operator of
uninsured
motor
vehicle for
service of
process

2. Section 5 of *The Motor Vehicle Accident Claims Act, 1961-62* is amended by adding thereto the following subsection:

1961-62,
c. 84, s. 5,
amended

- (3a) The release executed under clause *a* of subsection 3 does not affect the rights of recovery of an insured against any person to which an insurer becomes subrogated under section 210 of *The Insurance Act*.

Rights of
insured to
which
insurer
subrogated
R.S.O. 1960,
c. 190

3. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

4. This Act may be cited as *The Motor Vehicle Accident Claims Amendment Act, 1965*.

Short title

An Act to amend The Motor Vehicle
Accident Claims Act, 1961-62

1st Reading

March 31st, 1965

2nd Reading

3rd Reading

MR. HASKETT

BILL 86

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
—13-14 ELIZABETH II, 1965**

An Act to amend The Motor Vehicle Accident Claims Act, 1961-62

MR. HASKETT

1848

1848

1848

1848

BILL 86

1965

**An Act to amend
The Motor Vehicle Accident Claims Act, 1961-62**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 4 of *The Motor Vehicle Accident Claims Act, 1961-62* is amended by inserting after "owner" ^{1961-62, c. 84, s. 4, subs. 1, amended} in the second line "and of the operator", so that the subsection, exclusive of the clauses, shall read as follows:

- (1) The Registrar is deemed to be an agent of the owner ^{Registrar agent for owner and operator of uninsured motor vehicle for service of} and of the operator of every uninsured motor vehicle ^{notice or process} for service of notice or process in an action in Ontario arising out of the use or operation in Ontario of the uninsured motor vehicle, and, where such an action is commenced, ^{process}

2. Section 5 of *The Motor Vehicle Accident Claims Act, 1961-62* is amended by adding thereto the following subsection: ^{1961-62, c. 84, s. 5, amended}

- (3a) The release executed under clause *a* of subsection 3 ^{Rights of insured to which insurer subrogated} does not affect the rights of recovery of an insured against any person to which an insurer becomes subrogated under section 210 of *The Insurance Act*. ^{R.S.O. 1960, c. 190}

3. This Act comes into force on the day it receives Royal Assent. ^{Commence-ment}

4. This Act may be cited as *The Motor Vehicle Accident Claims Amendment Act, 1965*. ^{Short title}

An Act to amend The Motor Vehicle
Accident Claims Act, 1961-62

1st Reading

March 31st, 1965

2nd Reading

April 8th, 1965

3rd Reading

April 14th, 1965

MR. HASKETT

BILL 87

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Schools Administration Act

MR. DAVIS

EXPLANATORY NOTES

SECTION 1. The restriction of the powers of the advisory vocational committee as applied to Part VI and the extension to separate school boards of the power to appoint municipal inspectors in Part VII make it possible to eliminate the exceptions referred to in subsection 1.

SECTION 2. Paragraphs 12 and 13 are included in section 4, which sets out school holidays.

SECTION 3. The clause is re-enacted to permit the use of data-processing equipment for the maintenance of pupil-attendance records.

SECTION 4—Subsection 1. Paragraph 10 is re-enacted for the purpose of clarification and excepts from paragraph 10 the free text-books that a board is required to provide under paragraph 11 of section 34. The maximum fees which pupils may be charged by a board for supplies provided for pupils are increased from 25 cents to 50 cents per pupil for each school month.

BILL 87 1965

An Act to amend The Schools Administration Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 1 of *The Schools Administration Act* is amended by striking out "except in Parts VI and VII" in the first line, so that the subsection shall read as follows: R.S.O. 1960,
c. 361, s. 1,
subs. 1,
amended

(1) In this Act, "board" means a public school board, separate school board, continuation school board, high school board or board of education. Interpre-
tation,
in this
Act

2. Section 4 of *The Schools Administration Act* is amended by adding thereto the following paragraphs: R.S.O. 1960,
c. 361, s. 4,
amended

12. Every day upon which the school is closed under *The Emergency Measures Act, 1962-63*. 1962-63,
c. 41

13. A day approved by the inspector for a teachers' institute or conference.

3. Clause g of subsection 1 of section 22 of *The Schools Administration Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 361, s. 22,
subs. 1,
cl. g,
re-enacted

(g) to record the attendance of the pupils every school day in the register supplied by the Minister in accordance with the instructions contained therein or to record the attendance of the pupils in such other manner as is approved by the Minister. record
attendance

4.—(1) Paragraph 10 of section 35 of *The Schools Administration Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 361, s. 35,
par. 10,
re-enacted

10. provide school supplies, other than the text-books that it is required to provide under paragraph 11 of section 34, for the use of pupils and collect from their provision
of supplies,
etc.

parents or guardians a sum not exceeding 50 cents per pupil for each month of the school year to assist in defraying the cost thereof.

R.S.O. 1960,
c. 361, s. 35,
par. 19,
amended

(2) Paragraph 19 of the said section 35 is amended by striking out "or" where it occurs the second time in the third line and inserting in lieu thereof "of", so that the paragraph shall read as follows:

student
fees

19. subject to the provisions of this Act and the Act under which the school is operated, fix the fees to be paid by or on behalf of pupils, and the times of payment thereof, and when necessary enforce payment thereof.

R.S.O. 1960,
c. 361, s. 35,
par. 25,
re-enacted

(3) Paragraph 25 of the said section 35 is repealed and the following substituted therefor:

guidance

25. appoint one or more teachers qualified in guidance according to the regulations to collect and distribute information regarding available occupations and employments, and to offer such counsel to the pupils as will enable them to plan intelligently for their educational and vocational advancement.

R.S.O. 1960,
c. 361, s. 35,
amended

(4) The said section 35, as amended by section 2 of *The Schools Administration Amendment Act, 1960-61*, section 2 of *The Schools Administration Amendment Act, 1962-63* and section 7 of *The Schools Administration Amendment Act, 1964*, is further amended by adding thereto the following paragraphs:

maternity
leave

35. provide for maternity leave for a teacher, not exceeding two years for each pregnancy, and specify when such leave shall be taken;

insurance
for pupils
R.S.O. 1960,
c. 190

36. provide, by contract with an insurer under *The Insurance Act*, accident and life insurance for pupils, the cost of which is to be paid on a voluntary basis by the parents or guardians.

R.S.O. 1960,
c. 361, s. 36
(1964,
c. 105, s. 8),
subs. 2,
amended

5.—(1) Subsection 2 of section 36 of *The Schools Administration Act*, as re-enacted by section 8 of *The Schools Administration Amendment Act, 1964*, is amended by striking out "one-half of" in the fourth and fifth lines, so that the subsection shall read as follows:

Trustees
appointed
for
secondary
school
purposes
only

(2) A board of education may pay to each trustee appointed to the board, who is not entitled to vote on a motion that affects public schools exclusively, an

Subsection 2. The amendment is to correct a typographical error.

Subsection 3. The provision revised deals with matters of guidance and is amended to refer specifically to teachers qualified in guidance and to remove the requirement for the approval of the Minister to appointments.

Subsection 4. Paragraph 35 authorizes a board to provide for maternity leave.

Paragraph 36 authorizes the provision of accident and life insurance for pupils to be paid for by the parent or guardian on a voluntary basis.

SECTION 5—Subsection 1. At present, the maximum honorarium of elected members of boards of education is based on the average daily attendance of public and secondary schools under the jurisdiction of the board. The maximum honorarium of members appointed for secondary school purposes only is based on the average daily attendance of secondary schools, but is one-half of that shown on the scale of honoraria. The amendment provides that appointed trustees may receive up to the full amount shown on the scale, but still based on the average daily attendance of secondary schools.

Subsection 2. The purpose of the amendment is to make applicable to advisory vocational committee members the same provisions regarding mileage allowance, expenses for authorized travel and deduction because of absence as are applicable to trustees.

SECTION 6—Subsection 1. The amendment authorizes public school boards to provide transportation for pupils in territory without municipal organization to secondary schools.

Subsection 2. The amendments are to make it clear that a separate school board may provide transportation for a pupil who resides in territory without municipal organization, but not in a separate school zone or a school section, to a school operated by the board and to authorize a board to provide transportation for such pupils to a secondary school.

Subsection 3. The present right of secondary school boards to enter into transportation agreements for up to five years with the approval of the Ontario Municipal Board is extended to all boards.

Subsection 4. The amendment is to permit elementary school boards in the territorial districts to pay for board, lodging and certain transportation of a pupil enrolled in a secondary school for whom it is not possible or convenient to provide transportation from day to day.

honorarium for each month not exceeding the amount provided in subsection 1 based on the average daily attendance of pupils in all secondary schools operated by the board in the preceding year.

(2) The said section 36 is amended by adding thereto the following subsection: R.S.O. 1960,
c. 361, s. 36
(1964,
c. 105, s. 8),
amended

(7) Subsections 4, 5 and 6 apply *mutatis mutandis* to members of an advisory vocational committee who are not trustees. Advisory
vocational
committee
members

6.—(1) Subsection 2a of section 37 of *The Schools Administration Act*, as enacted by section 9 of *The Schools Administration Amendment Act, 1964*, is amended by adding at the end thereof "or to a secondary school", so that the subsection shall read as follows: R.S.O. 1960,
c. 361, s. 37,
subs. 2a
(1964,
c. 105, s. 9),
amended

(2a) A public school board may furnish transportation for pupils who reside in territory without municipal organization, but not in a school section, to a school that the board operates or to a secondary school. Pupils in
unorganized
territory

(2) Subsection 2b of the said section 37, as enacted by section 9 of *The Schools Administration Amendment Act, 1964*, is amended by inserting after "zone" in the third line "or a school section" and by adding at the end thereof "or to a secondary school", so that the subsection shall read as follows: R.S.O. 1960,
c. 361, s. 37,
subs. 2b
(1964,
c. 105, s. 9),
amended

(2b) A separate school board may furnish transportation for pupils who reside in territory without municipal organization, but not in a separate school zone or a school section, to a school that the board operates or to a secondary school. Idem

(3) Subsection 5 of the said section 37 is repealed and the following substituted therefor: R.S.O. 1960,
c. 361, s. 37,
subs. 5,
re-enacted

(5) Where a board provides transportation for more than thirty pupils, the board may, with the approval of the Ontario Municipal Board, make an agreement for a term not exceeding five years. Agreements
not exceed-
ing five
years

(4) The said section 37 is amended by adding thereto the following subsection: R.S.O. 1960,
c. 361, s. 37,
amended

(6) Where a pupil resides in a school section or separate school zone in a territorial district but not in a high school district with his parent or guardian in a residence that is fifteen miles or more by road or Boarding of
secondary
school pupils
residing in
territorial
district

rail from a secondary school that he is eligible to attend, an elementary school board may, in lieu of providing daily transportation to and from school under subsection 2, reimburse the parent or guardian at the end of each month for the cost of providing for such pupil board, lodging, and transportation once a week from his residence to school and return, in an amount not exceeding \$3 for each day of attendance as certified by the principal of the secondary school that the pupil attends.

R.S.O. 1960,
c. 361, s. 38,
subs. 1,
amended

7.—(1) Subsection 1 of section 38 of *The Schools Administration Act* is amended by striking out “except clause b” in the eighth line, so that the subsection shall read as follows:

Pensions

(1) A board, by resolution, may provide pensions for employees or any class thereof by contract either with Her Majesty in accordance with the *Government Annuities Act* (Canada) or with an insurer licensed under *The Insurance Act* or with both Her Majesty and such an insurer in the manner and subject to the conditions set out in paragraph 59 of section 377 of *The Municipal Act*, and the provisions of the said paragraph 59 apply *mutatis mutandis*.

R.S.C. 1952,
c. 132

R.S.O. 1960,
cc. 190, 249

R.S.O. 1960,
c. 361, s. 38,
subs. 3,
repealed

(2) Subsection 3 of the said section 38 is repealed.

R.S.O. 1960,
c. 361, s. 43,
subs. 10,
amended

8. Subsection 10 of section 43 of *The Schools Administration Act* is amended by adding at the commencement thereof “Subject to subsection 1 of section 57 of *The Secondary Schools and Boards of Education Act*”, so that the subsection shall read as follows:

Chairman
voting;
equality of
votes

R.S.O. 1960,
c. 362

(10) Subject to subsection 1 of section 57 of *The Secondary Schools and Boards of Education Act*, the presiding officer, except where he is the secretary of the board and is not a member, may vote with the other members of the board upon all questions, and any question on which there is an equality of votes shall be deemed to be negatived.

R.S.O. 1960,
c. 361, s. 51,
subs. 1,
re-enacted

9. Subsection 1 of section 51 of *The Schools Administration Act* is repealed and the following substituted therefor:

Seat
vacated by
conviction,
etc.

(1) If a trustee is convicted of an indictable offence, or becomes mentally ill, or absents himself without being authorized by resolution entered in the minutes from the meetings of the board for three consecutive months, or ceases to hold the residence qualification required by the Act under which he was elected

SECTION 7. At present, there is a duplication of approval required under *The Municipal Act* and this section. The amendment deletes the provision requiring the approval of the Minister of Education. The provision of *The Municipal Act* requiring the approval of the Minister of Municipal Affairs will apply.

SECTION 8. The amendment is to make it clear that a presiding officer who has been appointed by a county council or separate school board may vote on all questions except those affecting public schools exclusively.

SECTION 9. The provision is amended to refer to separate school zone instead of municipality and three-mile limit.

SECTION 10. The amendment is to permit the admittance of deaf children to oral speech and lip-reading classes at the earliest possible age.

SECTION 11. As a common method of determining fees is provided in section 100a of *The Schools Administration Act*, the provisions respecting fees are amended accordingly.

SECTION 12. Clause a, which defines board for the purposes of Part VI dealing with school sites, is repealed and the general definition in section 1 will apply.

SECTION 13. Self-explanatory.

SECTION 14. Self-explanatory.

or appointed in the case of a public or secondary school board or ceases to reside within the separate school zone in the case of a separate school board, he *ipso facto* vacates his seat, and the provisions of the Act under which the board is established, with respect to the filling of vacancies, apply.

10. Subsection 2 of section 55 of *The Schools Administration Act* is amended by inserting after "children" in the third line "of at least two years of age", so that the subsection shall read as follows: R.S.O. 1960,
c. 361, s. 55,
subs. 2,
amended

- (2) Subject to the regulations, a board may establish day classes in oral speech and lip-reading to accommodate deaf children of at least two years of age within its jurisdiction. Classes
for deaf
children

11. Subsection 4 of section 57 of *The Schools Administration Act* is amended by striking out "such fees for instruction as may be fixed by the board and approved by the Minister" in the third and fourth lines and inserting in lieu thereof "fees as provided in subsection 2 of section 100a", so that the subsection shall read as follows: R.S.O. 1960,
c. 361, s. 57,
subs. 4,
amended

- (4) Non-resident pupils may be admitted to auxiliary classes under the terms permitted or prescribed by the regulations, and upon payment of fees as provided in subsection 2 of section 100a. Non-
resident
pupils

12. Clause *a* of section 62 of *The Schools Administration Act* is repealed. R.S.O. 1960,
c. 361, s. 62,
cl. a,
repealed

13. *The Schools Administration Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 361,
amended

- 65a. A public school board, board of education or secondary school board, with the approval of the Minister, may purchase a school site and purchase or build a school building thereon in an adjoining school section or high school district, as the case may be, for the purpose of operating a school therein, but such property, so long as it is held by the board, is subject to municipal assessment and taxation in the municipality in which it is situated. Purchase
of school
site in
adjoining
section or
district

14. *The Schools Administration Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 361,
amended

- 66a.—(1) A board that had an average daily attendance of 10,000 or more in the preceding year in the schools under its jurisdiction may acquire by purchase or Natural
science
schools

otherwise land in any municipality owned by a conservation authority or land adjoining any land owned by a conservation authority, not exceeding ten acres, for the purpose of erecting a natural science school, and may build and operate such a school thereon and conduct a natural science programme in co-operation with the conservation authority.

Taxation

- (2) All land acquired by a board under subsection 1 that is situated outside the boundaries of the school section, separate school zone or secondary school district, as the case may be, in which the board has jurisdiction, so long as it is held by the board, is subject to municipal assessment and taxation in the municipality in which it is situated.

R.S.O. 1960,
c. 361,
amended

15. The heading "INSPECTORS" immediately preceding section 80 of *The Schools Administration Act* is struck out and the heading "SUPERVISORY OFFICERS" substituted therefor.

R.S.O. 1960,
c. 361, s. 81,
subs. 3,
repealed

16.—(1) Subsection 3 of section 81 of *The Schools Administration Act* is repealed.

R.S.O. 1960,
c. 361, s. 81,
subs. 4,
amended

(2) Subsection 4 of the said section 81 is amended by striking out "one of whom may be designated as superintendent of public schools" in the sixth and seventh lines.

R.S.O. 1960,
c. 361, s. 81,
subs. 7
(1964,
c. 105, s. 10),
re-enacted

(3) Subsection 7 of the said section 81, as enacted by section 10 of *The Schools Administration Amendment Act, 1964*, is repealed and the following substituted therefor:

Separate
school
inspectors

- (7) Where the average daily attendance of pupils in elementary school classes where English is the language of instruction or in elementary school classes where, with the approval of the Minister, both English and French are the languages of instruction in the separate schools operated by a board in a separate school zone,

(a) in the year 1965 is 40,000 or more;

(b) in the year 1967 is 10,000 or more;

(c) in the year 1968 is 3,000 or more; or

(d) in the year 1969 is 2,000 or more,

the board may request the Minister to designate the separate school zone as a municipal inspectorate, and, if the request is granted, the zone shall become

SECTION 15. Part VII, which now deals mainly with inspectors, is being amended to include provisions with respect to other supervisory officers such as superintendents and directors.

SECTION 16—Subsection 1. The provision repealed provides that, where 100 teachers are employed by a board of education, the school section may become a municipal inspectorate.

Subsection 2. The amendment is complementary to the amendments in section 17 of this Bill.

Subsection 3. Subsections 7 and 8 provide for the appointment of separate school inspectors based on average daily attendance of pupils.

Subsection 9 provides for the number of inspectors to be appointed and, where a board operates English and bilingual classes, provides for the appointment of inspectors for each group.

SECTION 17. The provisions respecting the appointment of directors and superintendents are gathered together, and provision is made in subsections 1, 2 and 3 for the following:

1. Where there is a municipal inspectorate, one inspector is to be appointed as superintendent.
2. The appointment of a director where the public and secondary schools operated by the board of education have an average daily attendance of at least 3,000 each.
3. The provisions respecting the appointment, removal and suspension of inspectors are made applicable to directors and superintendents.

Provision is made in subsection 4 for the appointment of provincial inspectors to carry out the duties of municipal inspectors where a board fails to appoint an inspector.

a municipal inspectorate on the date designated by the Minister, and the board shall, on or before the 1st day of July following such date, appoint an adequate staff of separate school inspectors whose appointment or removal is not effective until approved by the Minister.

- (8) In the year 1970 and thereafter, where the average ^{Idem} daily attendance of pupils in elementary school classes where English is the language of instruction or in elementary school classes where, with the approval of the Minister, both English and French are the languages of instruction in the separate schools operated by a board in a separate school zone is 3,000 or more in the preceding year, the board shall appoint an adequate staff of separate school inspectors whose appointment or removal is not effective until approved by the Minister.

- (9) Where a school section, separate school zone or high ^{Number of inspectors} school district is a municipal inspectorate, the board of the section, zone or district in respect of,

(a) elementary school classes where English is the language of instruction;

(b) elementary school classes where, with the approval of the Minister, English and French are the languages of instruction; and

(c) secondary school classes,

shall employ in any year where the average daily attendance of pupils in the preceding year in the classes referred to in clause *a*, *b* or *c* in the schools operated by the board was,

(d) 2,000 or more, but less than 3,500, at least one inspector;

(e) 3,500 or more, but less than 7,000, at least two inspectors,

and at least one additional inspector in respect of each additional 7,000 pupils of average daily attendance in classes referred to in clause *a*, *b* or *c*, as the case may be.

17. Section 82 of *The Schools Administration Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 361, s. 82,
re-enacted

Appoint-
ment of
super-
intendents
and
assignments
of duties

82.—(1) Where a board appoints one or more inspectors, the board, with the approval of the Minister,

(a) shall, subject to subsection 5 of section 81, designate one of the inspectors as superintendent of public, separate or secondary schools, as the case may be, who shall be the chief inspector of public, separate or secondary schools, as the case may be;

(b) may assign to the chief inspector and to each inspector such administrative duties, in addition to those prescribed in the regulations, as the board deems expedient.

Director

(2) A board of education of a city and any other board of education having an average daily attendance of 3,000 or more pupils in the public schools operated by the board and of 3,000 or more pupils in the secondary schools operated by the board may appoint a director of education who shall be qualified as required by the regulations and who, under the direction of the board, shall be in charge of the schools under the jurisdiction of the board.

Appoint-
ment,
removal and
suspension of
director
and super-
intendent

(3) The appointment or removal of a director, assistant director, superintendent or assistant superintendent is not effective until approved by the Minister, and the provisions respecting the suspension or removal of an inspector apply *mutatis mutandis* to a director, assistant director, superintendent and assistant superintendent.

Appoint-
ment of
provincial
inspectors
to act as
municipal
inspectors

(4) Where the number of municipal inspectors required under subsection 9 of section 81 has not or cannot be provided by a board, or a vacancy occurs in the office of a municipal inspector, and the board does not appoint a municipal inspector within one month after receiving a direction from the Minister requiring it to appoint a municipal inspector, the Minister may appoint one or more provincial inspectors as he deems necessary to act as municipal inspectors to carry out the duties of an inspector under subsections 1 and 2 of section 84, and the salaries and expenses of such inspectors while acting as municipal inspectors for such board shall be deducted from the legislative grant payable to such board.

R.S.O. 1960,
c. 361,
Part X,
(1962-63,
c. 129, s. 4),
amended

18. Part X of *The Schools Administration Act*, as enacted by section 4 of *The Schools Administration Amendment Act*, 1962-63, is amended by adding thereto the following section:

SECTION 18. The new section provides a common method of determining the tuition fees of non-resident pupils, basing the cost on perfect attendance as is now used for secondary school purposes, rather than on actual attendance as is now used for public and separate school purposes.

100a.—(1) Where a board provides education for pupils whose fees are receivable from another board, from Canada or from Ontario, the fees shall be calculated by the use of the financial data and attendance in respect of elementary schools, academic courses in secondary schools or technical and commercial courses in vocational schools, as the case may be, for the year in which such education is provided,

Fees for
non-resident
pupils,
calculation

- (a) by ascertaining the gross current expenditure for,
 - (i) maintenance of the schools under the jurisdiction of the board, excluding transportation, tuition fees and evening courses of study,
 - (ii) capital expenditures from current funds, excluding the portion of the cost of a new school or an addition to a school building under a technical and vocational training agreement entered into by Canada and Ontario that was assumed and paid by Ontario, and
 - (iii) debt charges;
- (b) by ascertaining the total gross revenue from all sources, excluding legislative grants, taxation, tuition fees and costs recoverable from Ontario;
- (c) by deducting the amount determined under clause *b* from the amount determined under clause *a*;
- (d) by ascertaining the perfect aggregate attendance of all pupils at the schools under the jurisdiction of the board;
- (e) by dividing the amount determined under clause *c* by the attendance determined under clause *d* to calculate the gross cost per pupil per day; and
- (f) by multiplying the perfect aggregate attendance of the pupils whose fees are the responsibility of another board, of Canada or of Ontario by the amount determined under clause *e* to ascertain the fees receivable.

Auxiliary
classes

- (2) Where a board provides instruction for a pupil who is enrolled in an auxiliary class, the fee shall be twice that calculated under subsection 1.

Fees payable
by municipalities in
territorial
districts

- (3) Where a board provides instruction for a pupil who does not reside in a secondary school district, but who resides in a territorial district in a municipality having a population of 2,000 or more, the council of the municipality shall pay fees to the board calculated as provided in subsection 1, except that under clause *b* the gross revenue shall not be reduced by legislative grants.

Fees
payable by
individuals

- (4) Where a board provides instruction for a pupil in respect of whom fees are required to be paid, other than a pupil whose fees are receivable from another board or from Canada, Ontario or a municipal council, the fee payable by or on behalf of the pupil shall be such as the board may prescribe, but shall not exceed the fees calculated as provided in subsection 3, except that the financial data and attendance used in such calculation shall be in respect of the year preceding the year in which the pupil is enrolled.

When fees
payable by
boards, etc.

- (5) The fees payable by a board or a municipal council for the education of pupils shall be paid when requested by the treasurer of the board that provides the education on an estimated basis at least quarterly during the year in which the education is provided, with such adjustment as may be required when the actual financial data and attendance for the year have been finally determined, and the estimate shall be not less than the rate per pupil chargeable for a similar period in the preceding year times 90 per cent of the number of such pupils enrolled at the beginning of the current school term.

Commence-
ment

19.—(1) This Act, except sections 5, 11 and 18, comes into force on the day it receives Royal Assent.

Idem

(2) Section 5 shall be deemed to have come into force on the 1st day of January, 1965.

Idem

(3) Sections 11 and 18 come into force on the 1st day of September, 1965.

Short title

20. This Act may be cited as *The Schools Administration Amendment Act, 1965*.

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An Act to amend
The Schools Administration Act

1st Reading

March 31st, 1965

2nd Reading

3rd Reading

MR. DAVIS

BILL 87

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Schools Administration Act

MR. DAVIS

*(Reprinted as amended by the Committee on Education,
Health and Welfare)*

EXPLANATORY NOTES

SECTION 1. The restriction of the powers of the advisory vocational committee as applied to Part VI and the extension to separate school boards of the power to appoint municipal inspectors in Part VII make it possible to eliminate the exceptions referred to in subsection 1.

SECTION 2. Paragraphs 12 and 13 are included in section 4, which sets out school holidays.

SECTION 3. The clause is re-enacted to permit the use of data-processing equipment for the maintenance of pupil-attendance records.

SECTION 4—Subsection 1. Paragraph 10 is re-enacted for the purpose of clarification and excepts from paragraph 10 the free text-books that a board is required to provide under paragraph 11 of section 34. The maximum fees which pupils may be charged by a board for supplies provided for pupils are increased from 25 cents to 50 cents per pupil for each school month.

BILL 87 *and former Bill 87, 1965* **1965**

An Act to amend The Schools Administration Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 1 of *The Schools Administration Act* is amended by striking out "except in Parts VI and VII" in the first line, so that the subsection shall read as follows: R.S.O. 1960
c. 361, s. 1,
subs. 1,
amended

(1) In this Act, "board" means a public school board, separate school board, continuation school board, high school board or board of education. Interpre-
tation,
in this
Act

2. Section 4 of *The Schools Administration Act* is amended by adding thereto the following paragraphs: R.S.O. 1960,
c. 361, s. 4,
amended

12. Every day upon which the school is closed under *The Emergency Measures Act, 1962-63.* 1962-63,
c. 41

13. A day approved by the inspector for a teachers' institute or conference.

3. Clause g of subsection 1 of section 22 of *The Schools Administration Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 361, s. 22,
subs. 1,
cl. g,
re-enacted

(g) to record the attendance of the pupils every school day in the register supplied by the Minister in accordance with the instructions contained therein or to record the attendance of the pupils in such other manner as is approved by the Minister. record
attendance

4.—(1) Paragraph 10 of section 35 of *The Schools Administration Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 361, s. 35,
par. 10,
re-enacted

10. provide school supplies, other than the text-books that it is required to provide under paragraph 11 of section 34, for the use of pupils and collect from their provision
of supplies,
etc.

parents or guardians a sum not exceeding 50 cents per pupil for each month of the school year to assist in defraying the cost thereof.

R.S.O. 1960,
c. 361, s. 35,
par. 19,
amended

(2) Paragraph 19 of the said section 35 is amended by striking out "or" where it occurs the second time in the third line and inserting in lieu thereof "of", so that the paragraph shall read as follows:

student
fees

19. subject to the provisions of this Act and the Act under which the school is operated, fix the fees to be paid by or on behalf of pupils, and the times of payment thereof, and when necessary enforce payment thereof.

R.S.O. 1960,
c. 361, s. 35,
par. 25,
re-enacted

(3) Paragraph 25 of the said section 35 is repealed and the following substituted therefor:

guidance

25. appoint one or more teachers qualified in guidance according to the regulations to collect and distribute information regarding available occupations and employments, and to offer such counsel to the pupils as will enable them to plan intelligently for their educational and vocational advancement.

R.S.O. 1960,
c. 361, s. 35,
amended

(4) The said section 35, as amended by section 2 of *The Schools Administration Amendment Act, 1960-61*, section 2 of *The Schools Administration Amendment Act, 1962-63* and section 7 of *The Schools Administration Amendment Act, 1964*, is further amended by adding thereto the following paragraphs:

maternity
leave

35. provide for maternity leave for a teacher, not exceeding two years for each pregnancy, and specify when such leave shall be taken;

insurance
for pupils
R.S.O. 1960,
c. 190

36. provide, by contract with an insurer under *The Insurance Act*, accident and life insurance for pupils, the cost of which is to be paid on a voluntary basis by the parents or guardians.

R.S.O. 1960,
c. 361, s. 36
(1964,
c. 105, s. 8),
subs. 2,
amended

5.—(1) Subsection 2 of section 36 of *The Schools Administration Act*, as re-enacted by section 8 of *The Schools Administration Amendment Act, 1964*, is amended by striking out "one-half of" in the fourth and fifth lines, so that the subsection shall read as follows:

Trustees
appointed
for
secondary
school
purposes
only

- (2) A board of education may pay to each trustee appointed to the board, who is not entitled to vote on a motion that affects public schools exclusively, an

Subsection 2. The amendment is to correct a typographical error.

Subsection 3. The provision revised deals with matters of guidance and is amended to refer specifically to teachers qualified in guidance and to remove the requirement for the approval of the Minister to appointments.

Subsection 4. Paragraph 35 authorizes a board to provide for maternity leave.

Paragraph 36 authorizes the provision of accident and life insurance for pupils to be paid for by the parent or guardian on a voluntary basis.

SECTION 5—Subsection 1. At present, the maximum honorarium of elected members of boards of education is based on the average daily attendance of public and secondary schools under the jurisdiction of the board. The maximum honorarium of members appointed for secondary school purposes only is based on the average daily attendance of secondary schools, but is one-half of that shown on the scale of honoraria. The amendment provides that appointed trustees may receive up to the full amount shown on the scale, but still based on the average daily attendance of secondary schools.

Subsection 2. The purpose of the amendment is to make applicable to advisory vocational committee members the same provisions regarding mileage allowance, expenses for authorized travel and deduction because of absence as are applicable to trustees.

SECTION 6—Subsection 1. The amendment authorizes public school boards to provide transportation for pupils in territory without municipal organization to public schools operated by another board and to secondary schools.

Subsection 2. The amendments are to make it clear that a separate school board may provide transportation for a pupil who resides in territory without municipal organization, but not in a separate school zone or a school section, to a separate school operated by the board or by another board and to authorize a board to provide transportation for such pupils to a secondary school.

Subsection 3. The present right of secondary school boards to enter into transportation agreements for up to five years with the approval of the Ontario Municipal Board is extended to all boards.

Subsection 4. The amendment is to permit elementary school boards in the territorial districts to pay for board, lodging and certain transportation of a pupil enrolled in a secondary school for whom it is not possible or convenient to provide transportation from day to day.

honorarium for each month not exceeding the amount provided in subsection 1 based on the average daily attendance of pupils in all secondary schools operated by the board in the preceding year.

(2) The said section 36 is amended by adding thereto the following subsection: R.S.O. 1960, c. 361, s. 36 (1964, c. 105, s. 8), amended

(7) Subsections 4, 5 and 6 apply *mutatis mutandis* to members of an advisory vocational committee who are not trustees. Advisory vocational committee members

6.—(1) Subsection 2a of section 37 of *The Schools Administration Act*, as enacted by section 9 of *The Schools Administration Amendment Act, 1964*, is amended by adding at the end thereof “to a school operated by another public school board or to a secondary school”, so that the subsection shall read as follows: R.S.O. 1960, c. 361, s. 37, subs. 2a (1964, c. 105, s. 9), amended

(2a) A public school board may furnish transportation for pupils who reside in territory without municipal organization, but not in a school section, to a school that the board operates, to a school operated by another public school board or to a secondary school. Pupils in unorganized territory

(2) Subsection 2b of the said section 37, as enacted by section 9 of *The Schools Administration Amendment Act, 1964*, is amended by inserting after “zone” in the third line “or a school section” and by adding at the end thereof “to a school operated by another separate school board or to a secondary school”, so that the subsection shall read as follows: R.S.O. 1960, c. 361, s. 37, subs. 2b (1964, c. 105, s. 9), amended

(2b) A separate school board may furnish transportation for pupils who reside in territory without municipal organization, but not in a separate school zone or a school section, to a school that the board operates, to a school operated by another separate school board or to a secondary school. Idem

(3) Subsection 5 of the said section 37 is repealed and the following substituted therefor: R.S.O. 1960, c. 361, s. 37, subs. 5, re-enacted

(5) Where a board provides transportation for more than thirty pupils, the board may, with the approval of the Ontario Municipal Board, make an agreement for a term not exceeding five years. Agreements not exceeding five years

(4) The said section 37 is amended by adding thereto the following subsection: R.S.O. 1960, c. 361, s. 37, amended

(6) Where a pupil resides in a school section or separate school zone in a territorial district but not in a high Boarding of secondary school pupils residing in territorial district

school district with his parent or guardian in a residence that is fifteen miles or more by road or rail from a secondary school that he is eligible to attend, an elementary school board may, in lieu of providing daily transportation to and from school under subsection 2, reimburse the parent or guardian at the end of each month for the cost of providing for such pupil board, lodging, and transportation once a week from his residence to school and return, in an amount not exceeding \$3 for each day of attendance as certified by the principal of the secondary school that the pupil attends.

R.S.O. 1960,
c. 361, s. 38,
subs. 1,
amended

7.—(1) Subsection 1 of section 38 of *The Schools Administration Act* is amended by striking out “except clause b” in the eighth line, so that the subsection shall read as follows:

Pensions

(1) A board, by resolution, may provide pensions for employees or any class thereof by contract either with Her Majesty in accordance with the *Government Annuities Act* (Canada) or with an insurer licensed under *The Insurance Act* or with both Her Majesty and such an insurer in the manner and subject to the conditions set out in paragraph 59 of section 377 of *The Municipal Act*, and the provisions of the said paragraph 59 apply *mutatis mutandis*.

R.S.C. 1952,
c. 132

R.S.O. 1960,
cc. 190, 249

R.S.O. 1960,
c. 361, s. 38,
subs. 3,
repealed

(2) Subsection 3 of the said section 38 is repealed.

R.S.O. 1960,
c. 361, s. 43,
subs. 10,
amended

8. Subsection 10 of section 43 of *The Schools Administration Act* is amended by adding at the commencement thereof “Subject to subsection 1 of section 57 of *The Secondary Schools and Boards of Education Act*”, so that the subsection shall read as follows:

Chairman
voting;
equality of
votes

R.S.O. 1960,
c. 362

(10) Subject to subsection 1 of section 57 of *The Secondary Schools and Boards of Education Act*, the presiding officer, except where he is the secretary of the board and is not a member, may vote with the other members of the board upon all questions, and any question on which there is an equality of votes shall be deemed to be negatived.

R.S.O. 1960,
c. 361, s. 51,
subs. 1,
re-enacted

9. Subsection 1 of section 51 of *The Schools Administration Act* is repealed and the following substituted therefor:

Seat
vacated by
conviction,
etc.

(1) If a trustee is convicted of an indictable offence, or becomes mentally ill, or absents himself without being authorized by resolution entered in the minutes from the meetings of the board for three consecutive months, or ceases to hold the residence qualification required by the Act under which he was elected

SECTION 7. At present, there is a duplication of approval required under *The Municipal Act* and this section. The amendment deletes the provision requiring the approval of the Minister of Education. The provision of *The Municipal Act* requiring the approval of the Minister of Municipal Affairs will apply.

SECTION 8. The amendment is to make it clear that a presiding officer who has been appointed by a county council or separate school board may vote on all questions except those affecting public schools exclusively.

SECTION 9. The provision is amended to refer to separate school zone instead of municipality and three-mile limit.

SECTION 10. The amendment is to permit the admission of deaf children to oral speech and lip-reading classes at the earliest possible age.

SECTION 11. As a common method of determining fees is provided in section 100a of *The Schools Administration Act*, the provisions respecting fees are amended accordingly.

SECTION 12. Clause *a*, which defines board for the purposes of Part VI dealing with school sites, is repealed and the general definition in section 1 will apply.

SECTION 13. Self-explanatory.

SECTION 14. Self-explanatory.

or appointed in the case of a public or secondary school board or ceases to reside within the separate school zone in the case of a separate school board, he *ipso facto* vacates his seat, and the provisions of the Act under which the board is established, with respect to the filling of vacancies, apply.

10. Subsection 2 of section 55 of *The Schools Administration Act* is amended by inserting after "children" in the third line "of at least two years of age", so that the subsection shall read as follows: R.S.O. 1960,
c. 361, s. 55,
subs. 2,
amended

- (2) Subject to the regulations, a board may establish day classes in oral speech and lip-reading to accommodate deaf children of at least two years of age within its jurisdiction. Classes
for deaf
children

11. Subsection 4 of section 57 of *The Schools Administration Act* is amended by striking out "such fees for instruction as may be fixed by the board and approved by the Minister" in the third and fourth lines and inserting in lieu thereof "fees as provided in subsection 2 of section 100a", so that the subsection shall read as follows: R.S.O. 1960,
c. 361, s. 57,
subs. 4,
amended

- (4) Non-resident pupils may be admitted to auxiliary classes under the terms permitted or prescribed by the regulations, and upon payment of fees as provided in subsection 2 of section 100a. Non-
resident
pupils

12. Clause *a* of section 62 of *The Schools Administration Act* is repealed. R.S.O. 1960,
c. 361, s. 62,
cl. a,
repealed

13. *The Schools Administration Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 361,
amended

- 65a. A public school board, board of education or secondary school board, with the approval of the Minister, may purchase a school site and purchase or build a school building thereon in an adjoining school section or high school district, as the case may be, for the purpose of operating a school therein, but such property, so long as it is held by the board and is not situated in the school section or high school district in which the board has jurisdiction, is subject to municipal assessment and taxation in the municipality in which it is situated. Purchase
of school
site in
adjoining
section or
district

14. *The Schools Administration Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 361,
amended

Natural
science
schools

66a.—(1) A board that had an average daily attendance of 10,000 or more in the preceding year in the schools under its jurisdiction may acquire by purchase or otherwise land in any municipality, not exceeding 200 acres, for the purpose of erecting a natural science school, and may build and operate such a school thereon.

Taxation

(2) All land acquired by a board under subsection 1, so long as it is held by the board and is not situated in the school section, separate school zone or secondary school district, as the case may be, in which the board has jurisdiction, is subject to municipal assessment and taxation in the municipality in which it is situated.

Programmes

(3) Where a board builds and operates a natural science school, it may conduct a natural science and conservation programme in co-operation with a conservation authority.

R.S.O. 1960,
c. 361,
amended

15. The heading "INSPECTORS" immediately preceding section 80 of *The Schools Administration Act* is struck out and the heading "SUPERVISORY OFFICERS" substituted therefor.

R.S.O. 1960,
c. 361, s. 81,
subs. 3,
repealed

16.—(1) Subsection 3 of section 81 of *The Schools Administration Act* is repealed.

R.S.O. 1960,
c. 361, s. 81,
subs. 4,
amended

(2) Subsection 4 of the said section 81 is amended by striking out "one of whom may be designated as superintendent of public schools" in the sixth and seventh lines.

R.S.O. 1960,
c. 361, s. 81,
subs. 7
(1964,
c. 105, s. 10),
re-enacted

(3) Subsection 7 of the said section 81, as enacted by section 10 of *The Schools Administration Amendment Act, 1964*, is repealed and the following substituted therefor:

Separate
school
inspectors

(7) Where the average daily attendance of pupils in elementary school classes where English is the language of instruction or in elementary school classes where, with the approval of the Minister, both English and French are the languages of instruction in the separate schools operated by a board in a separate school zone,

- (a) in the year 1965 is 40,000 or more;
- (b) in the year 1967 is 10,000 or more;
- (c) in the year 1968 is 3,000 or more; or
- (d) in the year 1969 is 2,000 or more,

the board may request the Minister to designate the separate school zone as a municipal inspectorate, and, if the request is granted, the zone shall become

SECTION 15. Part VII, which now deals mainly with inspectors, is being amended to include provisions with respect to other supervisory officers such as superintendents and directors.

SECTION 16—Subsection 1. The provision repealed provides that, where 100 teachers are employed by a board of education, the school section may become a municipal inspectorate.

Subsection 2. The amendment is complementary to the amendments in section 17 of this Bill.

Subsection 3. Subsections 7 and 8 provide for the appointment of separate school inspectors based on average daily attendance of pupils.

Subsection 9 provides for the number of inspectors to be appointed and, where a board operates English and bilingual classes, provides for the appointment of inspectors for each group.

SECTION 17. The provisions respecting the appointment of directors and superintendents are gathered together, and provision is made in subsections 1, 2 and 3 for the following:

1. Where there is a municipal inspectorate, one inspector is to be appointed as superintendent.
2. The appointment of a director where the public and secondary schools operated by the board of education have an average daily attendance of at least 3,000 each.
3. The provisions respecting the appointment, removal and suspension of inspectors are made applicable to directors and superintendents.

Provision is made in subsection 4 for the appointment of provincial inspectors to carry out the duties of municipal inspectors where a board fails to appoint an inspector.

a municipal inspectorate on the date designated by the Minister, and the board shall, on or before the 1st day of July following such date, appoint an adequate staff of separate school inspectors whose appointment or removal is not effective until approved by the Minister.

- (8) In the year 1970 and thereafter, where the average ^{Idem} daily attendance of pupils in elementary school classes where English is the language of instruction or in elementary school classes where, with the approval of the Minister, both English and French are the languages of instruction in the separate schools operated by a board in a separate school zone is 3,000 or more in the preceding year, the board shall appoint an adequate staff of separate school inspectors whose appointment or removal is not effective until approved by the Minister.
- (9) Where a school section, separate school zone or high ^{Number of inspectors} school district is a municipal inspectorate, the board of the section, zone or district in respect of,

(a) elementary school classes where English is the language of instruction;

(b) elementary school classes where, with the approval of the Minister, English and French are the languages of instruction; and

(c) secondary school classes,

shall employ in any year where the average daily attendance of pupils in the preceding year in the classes referred to in clause *a*, *b* or *c* in the schools operated by the board was,

(d) 2,000 or more, but less than 3,500, at least one inspector;

(e) 3,500 or more, but less than 7,000, at least two inspectors,

and at least one additional inspector in respect of each additional 7,000 pupils of average daily attendance in classes referred to in clause *a*, *b* or *c*, as the case may be.

17. Section 82 of *The Schools Administration Act* is re-pealed and the following substituted therefor:

R.S.O. 1960,
c. 361, s. 82,
re-enacted

Appoint-
ment of
super-
intendents
and
assignments
of duties

82.—(1) Where a board appoints one or more inspectors, the board, with the approval of the Minister,

- (a) shall, subject to subsection 5 of section 81, designate one of the inspectors as super-intendent of public, separate or secondary schools, as the case may be, who shall be the chief inspector of public, separate or secondary schools, as the case may be;
- (b) may assign to the chief inspector and to each inspector such administrative duties, in addition to those prescribed in the regulations, as the board deems expedient.

Director

(2) A board of education of a city and any other board of education having an average daily attendance of 3,000 or more pupils in the public schools operated by the board and of 3,000 or more pupils in the secondary schools operated by the board may appoint a director of education who shall be qualified as required by the regulations and who, under the direction of the board, shall be in charge of the schools under the jurisdiction of the board.

Appoint-
ment,
removal and
suspension of
director
and super-
intendent

(3) The appointment or removal of a director, assistant director, superintendent or assistant superintendent is not effective until approved by the Minister, and the provisions respecting the suspension or removal of an inspector apply *mutatis mutandis* to a director, assistant director, superintendent and assistant superintendent.

Appoint-
ment of
provincial
inspectors
to act as
municipal
inspectors

(4) Where the number of municipal inspectors required under subsection 9 of section 81 has not or cannot be provided by a board, or a vacancy occurs in the office of a municipal inspector, and the board does not appoint a municipal inspector within one month after receiving a direction from the Minister requiring it to appoint a municipal inspector, the Minister may appoint one or more provincial inspectors as he deems necessary to act as municipal inspectors to carry out the duties of an inspector under subsections 1 and 2 of section 84, and the salaries and expenses of such inspectors while acting as municipal inspectors for such board shall be deducted from the legislative grant payable to such board.

R.S.O. 1960,
c. 361,
Part X
(1962-63,
c. 129, s. 4),
amended

18. Part X of *The Schools Administration Act*, as enacted by section 4 of *The Schools Administration Amendment Act*, 1962-63, is amended by adding thereto the following section:

SECTION 18. The new section provides a common method of determining the tuition fees of non-resident pupils, basing the cost on perfect attendance as is now used for secondary school purposes, rather than on actual attendance as is now used for public and separate school purposes.



100a.—(1) Where a board provides education for pupils whose fees are receivable from another board, from Canada or from Ontario, the fees shall be calculated by the use of the financial data and attendance in respect of elementary schools, academic courses in secondary schools or technical and commercial courses in vocational schools, as the case may be, for the year in which such education is provided,

Fees for
non-resident
pupils,
calculation

- (a) by ascertaining the gross current expenditure for,
 - (i) maintenance of the schools under the jurisdiction of the board, excluding transportation, tuition fees and evening courses of study,
 - (ii) capital expenditures from current funds, excluding the portion of the cost of a new school or an addition to a school building under a technical and vocational training agreement entered into by Canada and Ontario that was assumed and paid by Ontario, and
 - (iii) debt charges;
- (b) by ascertaining the total gross revenue from all sources, excluding legislative grants, taxation, tuition fees and costs recoverable from Ontario;
- (c) by deducting the amount determined under clause *b* from the amount determined under clause *a*;
- (d) by ascertaining the perfect aggregate attendance of all pupils at the schools under the jurisdiction of the board;
- (e) by dividing the amount determined under clause *c* by the attendance determined under clause *d* to calculate the gross cost per pupil per day; and
- (f) by multiplying the perfect aggregate attendance of the pupils whose fees are the responsibility of another board, of Canada or of Ontario by the amount determined under clause *e* to ascertain the fees receivable.

Auxiliary
classes

- (2) Where a board provides instruction for a pupil who is enrolled in an auxiliary class, the fee shall be twice that calculated under subsection 1.

Fees payable
by municipalities in
territorial
districts

- (3) Where a board provides instruction for a pupil who does not reside in a secondary school district, but who resides in a territorial district in a municipality having a population of 2,000 or more, the council of the municipality shall pay fees to the board calculated as provided in subsection 1, except that under clause *b* the gross revenue shall not be reduced by legislative grants.

Fees
payable by
individuals

- (4) Where a board provides instruction for a pupil in respect of whom fees are required to be paid, other than a pupil whose fees are receivable from another board or from Canada, Ontario or a municipal council, the fee payable by or on behalf of the pupil shall be such as the board may prescribe, but shall not exceed the fees calculated as provided in subsection 3, except that the financial data and attendance used in such calculation shall be in respect of the year preceding the year in which the pupil is enrolled.

When fees
payable by
boards, etc.

- (5) The fees payable by a board or a municipal council for the education of pupils shall be paid when requested by the treasurer of the board that provides the education on an estimated basis at least quarterly during the year in which the education is provided, with such adjustment as may be required when the actual financial data and attendance for the year have been finally determined, and the estimate shall be not less than the rate per pupil chargeable for a similar period in the preceding year times 90 per cent of the number of such pupils enrolled at the beginning of the current school term.

Commence-
ment

19.—(1) This Act, except sections 5, 11 and 18, comes into force on the day it receives Royal Assent.

Idem

(2) Section 5 shall be deemed to have come into force on the 1st day of January, 1965.

Idem

(3) Sections 11 and 18 come into force on the 1st day of January, 1966.

Short title

20. This Act may be cited as *The Schools Administration Amendment Act, 1965*.



An Act to amend
The Schools Administration Act

1st Reading

March 31st, 1965

2nd Reading

April 13th, 1965

3rd Reading

MR. DAVIS

(Reprinted as amended by the Committee
on Education, Health and Welfare)

BILL 87

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Schools Administration Act

MR. DAVIS

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BILL 87 1965

An Act to amend The Schools Administration Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 1 of *The Schools Administration Act* is amended by striking out "except in Parts VI and VII" in the first line, so that the subsection shall read as follows: R.S.O. 1960,
c. 361, s. 1,
subs. 1,
amended

(1) In this Act, "board" means a public school board, separate school board, continuation school board, high school board or board of education. Interpre-
tation,
in this
Act

2. Section 4 of *The Schools Administration Act* is amended by adding thereto the following paragraphs: R.S.O. 1960,
c. 361, s. 4,
amended

12. Every day upon which the school is closed under *The Emergency Measures Act, 1962-63*. 1962-63,
c. 41

13. A day approved by the inspector for a teachers' institute or conference.

3. Clause g of subsection 1 of section 22 of *The Schools Administration Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 361, s. 22,
subs. 1,
cl. g,
re-enacted

(g) to record the attendance of the pupils every school day in the register supplied by the Minister in accordance with the instructions contained therein or to record the attendance of the pupils in such other manner as is approved by the Minister. record
attendance

4.—(1) Paragraph 10 of section 35 of *The Schools Administration Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 361, s. 35,
par. 10,
re-enacted

10. provide school supplies, other than the text-books that it is required to provide under paragraph 11 of section 34, for the use of pupils and collect from their provision
of supplies,
etc.

parents or guardians a sum not exceeding 50 cents per pupil for each month of the school year to assist in defraying the cost thereof.

R.S.O. 1960,
c. 361, s. 35,
par. 19,
amended

(2) Paragraph 19 of the said section 35 is amended by striking out "or" where it occurs the second time in the third line and inserting in lieu thereof "of", so that the paragraph shall read as follows:

student
fees

19. subject to the provisions of this Act and the Act under which the school is operated, fix the fees to be paid by or on behalf of pupils, and the times of payment thereof, and when necessary enforce payment thereof.

R.S.O. 1960,
c. 361, s. 35,
par. 25,
re-enacted

(3) Paragraph 25 of the said section 35 is repealed and the following substituted therefor:

guidance

25. appoint one or more teachers qualified in guidance according to the regulations to collect and distribute information regarding available occupations and employments, and to offer such counsel to the pupils as will enable them to plan intelligently for their educational and vocational advancement.

R.S.O. 1960,
c. 361, s. 35,
amended

(4) The said section 35, as amended by section 2 of *The Schools Administration Amendment Act, 1960-61*, section 2 of *The Schools Administration Amendment Act, 1962-63* and section 7 of *The Schools Administration Amendment Act, 1964*, is further amended by adding thereto the following paragraphs:

maternity
leave

35. provide for maternity leave for a teacher, not exceeding two years for each pregnancy, and specify when such leave shall be taken;

insurance
for pupils
R.S.O. 1960,
c. 190

36. provide, by contract with an insurer under *The Insurance Act*, accident and life insurance for pupils, the cost of which is to be paid on a voluntary basis by the parents or guardians.

R.S.O. 1960,
c. 361, s. 36
(1964,
c. 105, s. 8),
subs. 2,
amended

5.—(1) Subsection 2 of section 36 of *The Schools Administration Act*, as re-enacted by section 8 of *The Schools Administration Amendment Act, 1964*, is amended by striking out "one-half of" in the fourth and fifth lines, so that the subsection shall read as follows:

Trustees
appointed
for
secondary
school
purposes
only

(2) A board of education may pay to each trustee appointed to the board, who is not entitled to vote on a motion that affects public schools exclusively, an

honorarium for each month not exceeding the amount provided in subsection 1 based on the average daily attendance of pupils in all secondary schools operated by the board in the preceding year.

(2) The said section 36 is amended by adding thereto the following subsection: *any person who is a member of the* R.S.O. 1960, c. 361, s. 36 (1964, c. 105, s. 8), amended

(7) Subsections 4, 5 and 6 apply *mutatis mutandis* to members of an advisory vocational committee who are not trustees. Advisory vocational committee members

6.—(1) Subsection 2a of section 37 of *The Schools Administration Act*, as enacted by section 9 of *The Schools Administration Amendment Act, 1964*, is amended by adding at the end thereof "to a school operated by another public school board or to a secondary school", so that the subsection shall read as follows: R.S.O. 1960, c. 361, s. 37, subs. 2a (1964, c. 105, s. 9), amended

(2a) A public school board may furnish transportation for pupils who reside in territory without municipal organization, but not in a school section, to a school that the board operates, to a school operated by another public school board or to a secondary school. Pupils in unorganized territory

(2) Subsection 2b of the said section 37, as enacted by section 9 of *The Schools Administration Amendment Act, 1964*, is amended by inserting after "zone" in the third line "or a school section" and by adding at the end thereof "to a school operated by another separate school board or to a secondary school", so that the subsection shall read as follows: R.S.O. 1960, c. 361, s. 37, subs. 2b (1964, c. 105, s. 9), amended

(2b) A separate school board may furnish transportation for pupils who reside in territory without municipal organization, but not in a separate school zone or a school section, to a school that the board operates, to a school operated by another separate school board or to a secondary school. Idem

(3) Subsection 5 of the said section 37 is repealed and the following substituted therefor: R.S.O. 1960, c. 361, s. 37, subs. 5, re-enacted

(5) Where a board provides transportation for more than thirty pupils, the board may, with the approval of the Ontario Municipal Board, make an agreement for a term not exceeding five years. Agreements not exceeding five years

(4) The said section 37 is amended by adding thereto the following subsection: R.S.O. 1960, c. 361, s. 37, amended

(6) Where a pupil resides in a school section or separate school zone in a territorial district but not in a high school pupils residing in territorial district

school district with his parent or guardian in a residence that is fifteen miles or more by road or rail from a secondary school that he is eligible to attend, an elementary school board may, in lieu of providing daily transportation to and from school under subsection 2, reimburse the parent or guardian at the end of each month for the cost of providing for such pupil board, lodging, and transportation once a week from his residence to school and return, in an amount not exceeding \$3 for each day of attendance as certified by the principal of the secondary school that the pupil attends.

R.S.O. 1960,
c. 361, s. 38,
subs. 1, /
amended

7.—(1) Subsection 1 of section 38 of *The Schools Administration Act* is amended by striking out "except clause b" in the eighth line, so that the subsection shall read as follows:

Pensions

(1) A board, by resolution, may provide pensions for employees or any class thereof by contract either with Her Majesty in accordance with the *Government Annuities Act* (Canada) or with an insurer licensed under *The Insurance Act* or with both Her Majesty and such an insurer in the manner and subject to the conditions set out in paragraph 59 of section 377 of *The Municipal Act*, and the provisions of the said paragraph 59 apply *mutatis mutandis*.

R.S.C. 1952,
c. 132

R.S.O. 1960,
cc. 190, 249

(2) Subsection 3 of the said section 38 is repealed.

R.S.O. 1960,
c. 361, s. 38,
subs. 3,
repealed

8. Subsection 10 of section 43 of *The Schools Administration Act* is amended by adding at the commencement thereof "Subject to subsection 1 of section 57 of *The Secondary Schools and Boards of Education Act*", so that the subsection shall read as follows:

R.S.O. 1960,
c. 361, s. 43,
subs. 10,
amended

(10) Subject to subsection 1 of section 57 of *The Secondary Schools and Boards of Education Act*, the presiding officer, except where he is the secretary of the board and is not a member, may vote with the other members of the board upon all questions, and any question on which there is an equality of votes shall be deemed to be negated.

Chairman
voting;
equality of
votes
R.S.O. 1960,
c. 362

9. Subsection 1 of section 51 of *The Schools Administration Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 361, s. 51,
subs. 1,
re-enacted

(1) If a trustee is convicted of an indictable offence, or becomes mentally ill, or absents himself without being authorized by resolution entered in the minutes from the meetings of the board for three consecutive months, or ceases to hold the residence qualification required by the Act under which he was elected

Seat
vacated by
conviction,
etc.

or appointed in the case of a public or secondary school board or ceases to reside within the separate school zone in the case of a separate school board, he *ipso facto* vacates his seat, and the provisions of the Act under which the board is established, with respect to the filling of vacancies, apply.

10. Subsection 2 of section 55 of *The Schools Administration Act* is amended by inserting after "children" in the third line "of at least two years of age", so that the subsection shall read as follows:

R.S.O. 1960,
c. 361, s. 55,
subs. 2,
amended

- (2) Subject to the regulations, a board may establish day classes in oral speech and lip-reading to accommodate deaf children of at least two years of age within its jurisdiction.

Classes
for deaf
children

11. Subsection 4 of section 57 of *The Schools Administration Act* is amended by striking out "such fees for instruction as may be fixed by the board and approved by the Minister" in the third and fourth lines and inserting in lieu thereof "fees as provided in subsection 2 of section 100a", so that the subsection shall read as follows:

R.S.O. 1960,
c. 361, s. 57,
subs. 4,
amended

- (4) Non-resident pupils may be admitted to auxiliary classes under the terms permitted or prescribed by the regulations, and upon payment of fees as provided in subsection 2 of section 100a.

Non-
resident
pupils

12. Clause *a* of section 62 of *The Schools Administration Act* is repealed:

R.S.O. 1960,
c. 361, s. 62,
cl. a,
repealed

13. *The Schools Administration Act* is amended by adding thereto the following section:

R.S.O. 1960,
c. 361,
amended

- 65a.** A public school board, board of education or secondary school board, with the approval of the Minister, may purchase a school site and purchase or build a school building thereon in an adjoining school section or high school district, as the case may be, for the purpose of operating a school therein, but such property, so long as it is held by the board and is not situated in the school section or high school district in which the board has jurisdiction, is subject to municipal assessment and taxation in the municipality in which it is situated.

Purchase
of school
site in
adjoining
section or
district

14. *The Schools Administration Act* is amended by adding thereto the following section:

R.S.O. 1960,
c. 361,
amended

Natural
science
schools

66a.—(1) A board that had an average daily attendance of 10,000 or more in the preceding year in the schools under its jurisdiction may acquire by purchase or otherwise land in any municipality, not exceeding 200 acres, for the purpose of erecting a natural science school, and may build and operate such a school thereon.

Taxation

(2) All land acquired by a board under subsection 1, so long as it is held by the board and is not situated in the school section, separate school zone or secondary school district, as the case may be, in which the board has jurisdiction, is subject to municipal assessment and taxation in the municipality in which it is situated.

Programmes

(3) Where a board builds and operates a natural science school, it may conduct a natural science and conservation programme in co-operation with a conservation authority.

R.S.O. 1960,
c. 361,
amended

15. The heading "INSPECTORS" immediately preceding section 80 of *The Schools Administration Act* is struck out and the heading "SUPERVISORY OFFICERS" substituted therefor.

R.S.O. 1960,
c. 361, s. 81,
subs. 3,
repealed

16.—(1) Subsection 3 of section 81 of *The Schools Administration Act* is repealed.

R.S.O. 1960,
c. 361, s. 81,
subs. 4,
amended

(2) Subsection 4 of the said section 81 is amended by striking out "one of whom may be designated as superintendent of public schools" in the sixth and seventh lines.

R.S.O. 1960,
c. 361, s. 81,
subs. 7
(1964,
c. 105, s. 10),
re-enacted

(3) Subsection 7 of the said section 81, as enacted by section 10 of *The Schools Administration Amendment Act, 1964*, is repealed and the following substituted therefor:

Separate
school
inspectors

(7) Where the average daily attendance of pupils in elementary school classes where English is the language of instruction or in elementary school classes where, with the approval of the Minister, both English and French are the languages of instruction in the separate schools operated by a board in a separate school zone,

(a) in the year 1965 is 40,000 or more;

(b) in the year 1967 is 10,000 or more;

(c) in the year 1968 is 3,000 or more; or

(d) in the year 1969 is 2,000 or more,

the board may request the Minister to designate the separate school zone as a municipal inspectorate, and, if the request is granted, the zone shall become

a municipal inspectorate on the date designated by the Minister, and the board shall, on or before the 1st day of July following such date, appoint an adequate staff of separate school inspectors whose appointment or removal is not effective until approved by the Minister.

- (8) In the year 1970 and thereafter, where the average ^{Idem} daily attendance of pupils in elementary school classes where English is the language of instruction or in elementary school classes where, with the approval of the Minister, both English and French are the languages of instruction in the separate schools operated by a board in a separate school zone is 3,000 or more in the preceding year, the board shall appoint an adequate staff of separate school inspectors whose appointment or removal is not effective until approved by the Minister.
- (9) Where a school section, separate school zone or high ^{Number of inspectors} school district is a municipal inspectorate, the board of the section, zone or district in respect of,
- (a) elementary school classes where English is the language of instruction;
 - (b) elementary school classes where, with the approval of the Minister, English and French are the languages of instruction; and
 - (c) secondary school classes,
- shall employ in any year where the average daily attendance of pupils in the preceding year in the classes referred to in clause *a*, *b* or *c* in the schools operated by the board was,
- (d) 2,000 or more, but less than 3,500, at least one inspector;
 - (e) 3,500 or more, but less than 7,000, at least two inspectors,

and at least one additional inspector in respect of each additional 7,000 pupils of average daily attendance in classes referred to in clause *a*, *b* or *c*, as the case may be.

17. Section 82 of *The Schools Administration Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 361, s. 82,
re-enacted

Appointment of superintendents and assignments of duties

82.—(1) Where a board appoints one or more inspectors, the board, with the approval of the Minister,

- (a) shall, subject to subsection 5 of section 81, designate one of the inspectors as superintendent of public, separate or secondary schools, as the case may be, who shall be the chief inspector of public, separate or secondary schools, as the case may be;
- (b) may assign to the chief inspector and to each inspector such administrative duties, in addition to those prescribed in the regulations, as the board deems expedient.

Director

(2) A board of education of a city and any other board of education having an average daily attendance of 3,000 or more pupils in the public schools operated by the board and of 3,000 or more pupils in the secondary schools operated by the board may appoint a director of education who shall be qualified as required by the regulations and who, under the direction of the board, shall be in charge of the schools under the jurisdiction of the board.

Appointment, removal and suspension of director and superintendent

(3) The appointment or removal of a director, assistant director, superintendent or assistant superintendent is not effective until approved by the Minister, and the provisions respecting the suspension or removal of an inspector apply *mutatis mutandis* to a director, assistant director, superintendent and assistant superintendent.

Appointment of provincial inspectors to act as municipal inspectors

(4) Where the number of municipal inspectors required under subsection 9 of section 81 has not or cannot be provided by a board, or a vacancy occurs in the office of a municipal inspector, and the board does not appoint a municipal inspector within one month after receiving a direction from the Minister requiring it to appoint a municipal inspector, the Minister may appoint one or more provincial inspectors as he deems necessary to act as municipal inspectors to carry out the duties of an inspector under subsections 1 and 2 of section 84, and the salaries and expenses of such inspectors while acting as municipal inspectors for such board shall be deducted from the legislative grant payable to such board.

R.S.O. 1960, c. 361, Part X (1962-63, c. 129, s. 4), amended

18. Part X of *The Schools Administration Act*, as enacted by section 4 of *The Schools Administration Amendment Act*, 1962-63, is amended by adding thereto the following section:

100a.—(1) Where a board provides education for pupils whose fees are receivable from another board, from Canada or from Ontario, the fees shall be calculated by the use of the financial data and attendance in respect of elementary schools, academic courses in secondary schools or technical and commercial courses in vocational schools, as the case may be, for the year in which such education is provided,

Fees for
non-resident
pupils,
calculation

(a) by ascertaining the gross current expenditure for,

(i) maintenance of the schools under the jurisdiction of the board, excluding transportation, tuition fees and evening courses of study,

(ii) capital expenditures from current funds, excluding the portion of the cost of a new school or an addition to a school building under a technical and vocational training agreement entered into by Canada and Ontario that was assumed and paid by Ontario, and

(iii) debt charges;

(b) by ascertaining the total gross revenue from all sources, excluding legislative grants, taxation, tuition fees and costs recoverable from Ontario;

(c) by deducting the amount determined under clause *b* from the amount determined under clause *a*;

(d) by ascertaining the perfect aggregate attendance of all pupils at the schools under the jurisdiction of the board;

(e) by dividing the amount determined under clause *c* by the attendance determined under clause *d* to calculate the gross cost per pupil per day; and

(f) by multiplying the perfect aggregate attendance of the pupils whose fees are the responsibility of another board, of Canada or of Ontario by the amount determined under clause *e* to ascertain the fees receivable.

**Auxiliary
classes**

- (2) Where a board provides instruction for a pupil who is enrolled in an auxiliary class, the fee shall be twice that calculated under subsection 1.

**Fees payable
by municipalities in
territorial
districts**

- (3) Where a board provides instruction for a pupil who does not reside in a secondary school district, but who resides in a territorial district in a municipality having a population of 2,000 or more, the council of the municipality shall pay fees to the board calculated as provided in subsection 1, except that under clause *b* the gross revenue shall not be reduced by legislative grants.

**Fees
payable by
individuals**

- (4) Where a board provides instruction for a pupil in respect of whom fees are required to be paid, other than a pupil whose fees are receivable from another board or from Canada, Ontario or a municipal council, the fee payable by or on behalf of the pupil shall be such as the board may prescribe, but shall not exceed the fees calculated as provided in subsection 3, except that the financial data and attendance used in such calculation shall be in respect of the year preceding the year in which the pupil is enrolled.

**When fees
payable by
boards, etc.**

- (5) The fees payable by a board or a municipal council for the education of pupils shall be paid when requested by the treasurer of the board that provides the education on an estimated basis at least quarterly during the year in which the education is provided, with such adjustment as may be required when the actual financial data and attendance for the year have been finally determined, and the estimate shall be not less than the rate per pupil chargeable for a similar period in the preceding year times 90 per cent of the number of such pupils enrolled at the beginning of the current school term.

**Commence-
ment**

19.—(1) This Act, except sections 5, 11 and 18, comes into force on the day it receives Royal Assent.

Idem

(2) Section 5 shall be deemed to have come into force on the 1st day of January, 1965.

Idem

(3) Sections 11 and 18 come into force on the 1st day of January, 1966.

Short title

20. This Act may be cited as *The Schools Administration Amendment Act, 1965*.



An Act to amend
The Schools Administration Act

1st Reading

March 31st, 1965

2nd Reading

April 13th, 1965

3rd Reading

June 21st, 1965

MR. DAVIS

BILL 88

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Public Schools Act

MR. DAVIS

EXPLANATORY NOTES

SECTION 1. A common method of determining fees is provided in section 100a of *The Schools Administration Act*. See section 18 of Bill 87. The amendment is necessary to refer to this provision.

SECTION 2. A common method of determining fees is provided in section 100a of *The Schools Administration Act*. See section 18 of Bill 87. The amendments are necessary to refer to such provision.

Subsection 8a of section 6 is new and is self-explanatory.

An Act to amend The Public Schools Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 6 of section 5 of *The Public Schools Act* is amended by striking out "not in excess of the net cost per pupil per day in the preceding year" in the first and second lines and inserting in lieu thereof "as provided in subsection 4 of section 100a of *The Schools Administration Act*", so that the subsection shall read as follows:

R.S.O. 1960,
c. 330, s. 5,
subs. 6,
amended

(6) The board may charge a fee, as provided in subsection 4 of section 100a of *The Schools Administration Act*, to be prepaid monthly by the parent or guardian for attendance in kindergarten or junior kindergarten of pupils who have not attained the age stated in subsection 1.

Kindergarten fees
R.S.O. 1960,
c. 361

2.—(1) Subsection 1 of section 6 of *The Public Schools Act*, as amended by section 1 of *The Public Schools Amendment Act, 1960-61*, is repealed.

R.S.O. 1960,
c. 330, s. 6,
subs. 1,
repealed

(2) Subsection 4 of the said section 6 is amended by striking out "not in excess of the net cost per pupil per day in the preceding year" in the tenth and eleventh lines and inserting in lieu thereof "as provided in subsection 4 of section 100a of *The Schools Administration Act*", so that the subsection shall read as follows:

R.S.O. 1960,
c. 330, s. 6,
subs. 4,
amended

(4) Subject to section 5, a child,

(a) who resides with his parent or guardian in a residence that is assessed to the support of public schools; and

Admission of resident pupil to another school by reason of distance to school

(b) who may be excused from attendance at the school because of distance, as provided in *The Schools Administration Act* and as certified by the inspector,

R.S.O. 1960,
c. 361

may be admitted to another public school whose inspector certifies that there is sufficient accommodation for him, upon the prepayment monthly by the parent or guardian of a fee as provided in subsection 4 of section 100a of *The Schools Administration Act*, and the board of the section in which he resides shall refund to the parent or guardian the amount of taxes paid by him in the current year for the support of public schools up to but not exceeding the amount of fees paid for the current year.

R.S.O. 1960,
c. 330, s. 6,
subs. 5
(1964,
c. 95, s. 1),
amended

(3) Subsection 5 of the said section 6, as re-enacted by section 1 of *The Public Schools Amendment Act, 1964*, is amended by striking out "not in excess of the gross cost per pupil per day in the preceding year of the board in the adjoining school section" in the seventeenth, eighteenth and nineteenth lines and inserting in lieu thereof "calculated in accordance with subsection 1 of section 100a of *The Schools Administration Act*", so that the subsection shall read as follows:

Resident
pupil's
right to
attend more
accessible
school in
adjoining
school
section

(5) Subject to section 5, where a child resides with his parent or guardian in a residence that is assessed to the support of public schools and the public school that he is required to attend is more than two miles from his residence by the shortest distance by road and a public school in an adjoining school section is nearer by the shortest distance by road and the inspector having jurisdiction in such adjoining school section certifies that there is sufficient accommodation for such child, unless transportation is provided to the school that he is required to attend from a point within one-half mile by the shortest distance by road from his residence, the child shall be admitted to the school in the adjoining school section and the board of the school section in which he resides shall pay to the board in the adjoining school section a fee calculated in accordance with subsection 1 of section 100a of *The Schools Administration Act*.

R.S.O. 1960,
c. 361

R.S.O. 1960,
c. 330, s. 6,
subs. 6,
amended

(4) Subsection 6 of the said section 6 is amended by striking out "not in excess of the net cost per pupil per day in the preceding year" in the sixth and seventh lines and inserting in lieu thereof "as provided in subsection 4 of section 100a of *The Schools Administration Act*", so that the subsection shall read as follows:

Admission
of non-
resident
pupils

(6) Where a parent or guardian who resides in a school section wishes to enrol his child in a public school in another school section and does not qualify for

the privilege under subsection 3, 4 or 9, the child may be admitted by the board upon the prepayment monthly by the parent or guardian of a fee as provided in subsection 4 of section 100a of *The Schools Administration Act*. R.S.O. 1960,
c. 361

(5) Subsection 8 of the said section 6 is repealed and the following substituted therefor: R.S.O. 1960,
c. 330, s. 6,
subs. 8,
re-enacted

(8) Subject to subsection 8a, a child who is a ward of a children's aid society shall be admitted, without the payment of a fee, to a school by the board that was supported by the assessment of the residence in which he resided with his parent or guardian in the year in which he became a ward. Admission
of ward of
children's
aid society

(8a) A child who is a ward of a children's aid society and who has been placed for adoption on a probationary basis shall be admitted, without the payment of a fee, to a school by the board that is supported by the assessment of the residence in which the child resides with his adoptive parent upon receipt from the children's aid society of a certificate stating that the child has been so placed for adoption. Where child
placed for
adoption

(6) Subsection 9 of the said section 6 is amended by striking out "not in excess of the net cost per pupil per day in the preceding year" in the eighth and ninth lines and inserting in lieu thereof "as provided in subsection 4 of section 100a of *The Schools Administration Act*", so that the subsection shall read as follows: R.S.O. 1960,
c. 330, s. 6,
subs. 9,
amended

(9) Where a child who is in the custody of a corporation, society or person and who is not qualified for admission under the other provisions of this section resides in a school section and the public school inspector certifies that there is sufficient accommodation in a school in that section for the current school year, the board of such section shall admit the child to such school upon the prepayment monthly by the corporation, society or person of a fee as provided in subsection 4 of section 100a of *The Schools Administration Act*. Idem

R.S.O. 1960,
c. 361

(7) Subsection 12 of the said section 6 is amended by striking out "a fee not in excess of the gross cost per pupil per day for the preceding year" in the third, fourth and fifth lines and inserting in lieu thereof "fees calculated in accordance with subsection 1 of section 100a of *The Schools Administration Act*", so that the subsection shall read as follows: R.S.O. 1960,
c. 330, s. 6,
subs. 12,
amended

Agreement
between
boards

- (12) A public school board may by agreement with another public school board furnish education for the pupils of the other board and for that purpose may charge fees calculated in accordance with subsection 1 of section 100a of *The Schools Administration Act*.

R.S.O. 1960,
c. 361

R.S.O. 1960,
c. 330,
amended

3. *The Public Schools Act* is amended by adding thereto the following section:

Agreement
for pro-
vision of
additional
accommoda-
tion by
board for
pupils of
another
board

6a.—(1) Subject to the approval of the Minister, a board may enter into an agreement with another board providing,

(a) for the construction, furnishing and equipping of one or more additional classrooms by one board to provide accommodation for pupils of the other board;

(b) that the cost of providing such additional accommodation shall be borne and paid by such other board; and

(c) notwithstanding subsection 1 of section 100a of *The Schools Administration Act*, for the calculation and payment of fees in respect of such pupils.

R.S.O. 1960,
c. 361

Debentures
where cost
borne by
board not
providing
accommoda-
tion

- (2) Where under an agreement the board that does not provide the additional accommodation is required to bear and pay the cost thereof, for the purposes of issuing municipal debentures, the additional accommodation shall be deemed to be a permanent improvement of such board.

Term of
agreement

- (3) Every such agreement shall remain in effect for at least the term of the debentures issued in respect thereof unless terminated by the mutual consent of the parties to the agreement.

R.S.O. 1960,
c. 330, s. 12,
amended

4. Section 12 of *The Public Schools Act* is amended by adding thereto the following subsection:

Section
not to be
included in
township
school area

- (3) No rural school section established under this section shall be included in a township school area.

R.S.O. 1960,
c. 330, s. 13
(1964,
c. 95, s. 3),
subs. 2,
re-enacted

5.—(1) Subsection 2 of section 13 of *The Public Schools Act*, as re-enacted by section 3 of *The Public Schools Amendment Act, 1964*, is repealed and the following substituted therefor:

SECTION 3. Self-explanatory.

SECTION 4. Rural school sections on lands exempt from taxation are not to be included in a township school area.

SECTION 5—Subsection 1. The duties of consultative committees are extended to township school areas as well as county school areas.

Subsections 2 and 3. The amendments provide that a county school area shall be at least as large as the high school district that includes the municipalities or parts thereof to be included in the county school area, and provide for the alteration of a county school area.

Subsection 4. Subsections 11 and 12 are re-enacted to make the provisions re trustees of a county school area consistent with those affecting township school areas. Small rural parts do not qualify as municipalities in township school areas. Similar provisions are now applied to county school areas. Provision is made for electors in such rural parts to vote on school matters.

- (2) The council of a county may direct the committee to investigate and report on the desirability of establishing or enlarging county school areas or of altering township school areas or on any other matters affecting public school education in the county. Duties of committee
- (2) Subsection 6 of the said section 13 is repealed and the following substituted therefor: R.S.O. 1960, c. 330, s. 13 (1964, c. 95, s. 3), subs. 6, re-enacted
- (6) The council of a county may, by by-law passed before the 1st day of July in any year, establish, as recommended by the consultative committee, the municipalities and parts thereof that form a high school district as a county school area for public school purposes and may include therein any area adjacent thereto within the county. Establishment of county school areas
- (6a) Subject to subsections 6 and 7, the council of a county may, by by-law passed before the 1st day of July in any year, alter a county school area as recommended by the consultative committee. Enlargement of county school areas
- (3) Subsection 8 of the said section 13 is amended by striking out "or 7" in the first line and inserting in lieu thereof "6a or 7", so that the subsection shall read as follows: R.S.O. 1960, c. 330, s. 13 (1964, c. 95, s. 3), subs. 8, amended
- (8) A by-law passed under subsection 6, 6a or 7 comes into force on the 1st day of January after it is approved by the Minister, except that, for the purposes of the election of trustees, it shall be effective on the day it is approved by the Minister. Effective date of by-laws
- (4) Subsections 11 and 12 of the said section 13 are repealed and the following substituted therefor: R.S.O. 1960, c. 330, s. 13 (1964, c. 95, s. 3), subss. 11, 12, re-enacted
- (11) There shall be a board of public school trustees for every county school area, which shall consist of the number of elected trustees provided for boards of education under subsection 1 or 2 of section 55 of *The Secondary Schools and Boards of Education Act*, provided that, Board, composition
- (a) where the number of trustees is fewer than five or more than nine, the council of a county may, as recommended by the consultative committee, request the Minister to determine the number of trustees to be elected to the board, the municipality or municipalities to be represented by each trustee, and their terms of office;

- (b) where a part of a township is included in a township school area and the assessment for public school purposes in such part is less than 10 per cent of the total assessment for public school purposes in the township, such part shall not be deemed a municipality for the purposes of subsection 1 or 2 of section 55 of *The Secondary Schools and Boards of Education Act*.

R.S.O. 1960,
c. 362

Election of
trustees

- (12) Such trustees shall be elected in the manner provided for the election of members of a board of education under section 56 of *The Secondary Schools and Boards of Education Act*, which section, except subsection 2, applies *mutatis mutandis*.

Voters'
list

- (12a) Where a county school area includes part of a township that is not deemed a municipality for the purposes of subsection 1 or 2 of section 55 of *The Secondary Schools and Boards of Education Act*, the clerk of the township that includes such part shall furnish to the clerk of the township in which the county school area is formed, or, where the county school area includes all of two or more townships, to the clerk of the township having the greatest equalized assessment, a certified copy of the list of voters qualified to vote on school matters in such part of the township.

Parts not
rated for
trustee,
attached to
township
for voting
purposes

- (12b) Each part of a township that is included in a county school area but that is not deemed a municipality for the purposes of subsection 1 or 2 of section 55 of *The Secondary Schools and Boards of Education Act* shall, for the purposes of the election of trustees and of voting on school matters, be attached, by resolution, by the public school consultative committee of the county in which the county school area or the part of the county school area having the greatest assessment is located, to a township all or part of which is in the county school area.

R.S.O. 1960,
c. 330, s. 13
(1964,
c. 95, s. 3),
subs. 13,
amended

- (5) Subsection 13 of the said section 13 is amended by adding at the end thereof "or, if designated in the by-law establishing or altering the county school area and approved by the Minister, 'The Public School Board of (*insert names of municipalities chiefly concerned*)' ", so that the subsection shall read as follows:

Name of
board

- (13) A board of a county school area is a corporation by the name of "The Public School Board of (*insert name of county*) County School Area Number

Subsection 5. The amendment provides for the use of the names of local municipalities in the name of the board of a county school area.

Subsection 6. Subsection 16 provides for the apportionment of the annual requisition in county school areas.

Subsection 7. This subsection provides that the assessors of the municipalities shall make the apportionment until the 1st day of January, 1966, and thereafter the treasurers will make the apportionment. This is to bring the provisions re county school areas in line with the provisions of the township school areas, as amended elsewhere in this Bill.

SECTION 6. Subsection 17 provides for the apportionment of the annual requisition in district school areas.

(insert number in order of formation)" or, if designated in the by-law establishing or altering the county school area and approved by the Minister, "The Public School Board of (insert names of municipalities chiefly concerned)".

(6) The said section 13 is amended by adding thereto the following subsection:

R.S.O. 1960,
c. 330, s. 13
(1964,
c. 95, s. 3),
amended

(16) In the year in which a county school area is formed or altered and thereafter, the annual requisition of the board for school purposes shall be apportioned in accordance with section 55, which section applies *mutatis mutandis*, except that,

Apportion-
ment of
annual
requisition

- (a) the meeting of treasurers shall be called by the treasurer of the municipality having the greatest assessment within the county school area according to the last revised assessment rolls; and
- (b) if the treasurers do not reach a decision on or before the 1st day of December, the inspector of the county school area and the treasurers shall be the arbitrators to determine the matter.

(7) Any reference to treasurer or treasurers in subsection 16 of section 13 of *The Public Schools Act*, as enacted by subsection 6, shall, until the 1st day of January, 1966, be deemed to be a reference to assessor or assessors, as the case may be.

Apportion-
ment by
assessors
until
Jan. 1,
1966

6. Section 14 of *The Public Schools Act*, as re-enacted by section 3 of *The Public Schools Amendment Act, 1964*, is amended by adding thereto the following subsection:

R.S.O. 1960,
c. 330, s. 14
(1964,
c. 95, s. 3),
amended

(17) In the year in which a district school area is formed or altered and thereafter, the annual requisition of the board for school purposes shall be apportioned in accordance with section 55, which section applies *mutatis mutandis*, except that,

Apportion-
ment of
annual
requisition

- (a) the meeting of treasurers shall be called by the treasurer of the municipality having the greatest assessment within the district school area according to the last revised assessment rolls; and
- (b) if the treasurers do not reach a decision on or before the 1st day of December, the inspector of the district school area and the treasurers shall be the arbitrators to determine the matter.

R.S.O. 1960,
c. 330, s. 18
(1961-62,
c. 120, s. 2),
subs. 4,
cls. a-c,
re-enacted

7. Clauses *a*, *b* and *c* of subsection 4 of section 18 of *The Public Schools Act*, as re-enacted by section 2 of *The Public Schools Amendment Act, 1961-62* and amended by section 4 of *The Public Schools Amendment Act, 1964*, are repealed and the following substituted therefor:

(a) who is,

- (i) a member of any other elementary or secondary school board, or
- (ii) a member of the council of a municipality or county in which all or part of the school section is situate, or
- (iii) an elected member of a local board of a municipality or county in which all or part of the school section is situate,

unless before the opening of the nomination meeting he has filed his resignation with the secretary of the other school board or with the clerk of the municipality or county, as the case may be;

(b) who is the clerk or treasurer of a municipality or county in which all or part of the school section is situate;

(c) who is the husband or wife of a trustee of the same board.

R.S.O. 1960,
c. 330, s. 21,
subs. 11
(1964,
c. 95, s. 5),
amended

8. Subsection 11 of section 21 of *The Public Schools Act*, as enacted by section 5 of *The Public Schools Amendment Act, 1964*, is amended by inserting after "shall" in the fifth line "give a casting vote or", so that the subsection shall read as follows:

When tie
vote

- (11) When, at a regular annual meeting or at a special meeting called to fill a vacancy or vacancies, two or more candidates for the office of trustee receive an equal number of votes, the chairman of the meeting shall give a casting vote or provide for the drawing of lots to determine which of the candidates is elected.

R.S.O. 1960,
c. 330, s. 29,
subs. 2,
amended

9.—(1) Subsection 2 of section 29 of *The Public Schools Act* is amended by striking out "on the assessment roll" in the second and third lines and inserting in lieu thereof "by the municipal census", so that the subsection, exclusive of the clauses, shall read as follows:

SECTION 7. Clauses *a* and *b* are re-enacted to permit trustees to be appointed to local boards. Clause *c* is re-enacted to make it clear that a person is disqualified to be elected to a board if his wife or her husband is a trustee of the same board.

SECTION 8. The amendment is to make the provision uniform with similar provisions elsewhere in the Act.

SECTION 9. The provisions are amended to refer to "municipal census" instead of "assessment roll" for the purpose of determining population.

SECTION 10. The amendments provide,

- (1) for the secretary of a board giving a casting vote where two or more candidates have an equal number of votes following a recount by a judge;
- (2) that, where there is a tie vote upon the casting up of votes, the clerk is required to refer the matter to the judge, and thereupon the judge has all the powers under subsection 2 of section 38 as if the reference were a complaint under subsection 1.

- (2) The number of trustees on the board shall be determined by the population of the municipality as shown by the municipal census for the year preceding the year in which the election is held as follows, where the population was, Number of trustees on board

(2) Subsection 3 of the said section 29, as re-enacted by section 3 of *The Public Schools Amendment Act, 1960-61*, is amended by striking out "assessment roll" in the first line and inserting in lieu thereof "census", so that the subsection shall read as follows: R.S.O. 1960, c. 330, s. 29, subs. 3 (1960-61, c. 82, s. 3), amended

- (3) Where it becomes evident from the census of a municipality that the number of trustees on a school board should be increased or decreased, at the next election of trustees the proper number of trustees shall be elected, and the trustees then in office shall continue in office until the new board is organized. Change in number of trustees

10.—(1) Subsection 2 of section 37 of *The Public Schools Act* is amended by striking out "and if the judge determines that no person was duly elected he shall order a new election to be held" in the sixth, seventh and eighth lines and inserting in lieu thereof "and, where a recount results in two or more candidates having an equal number of votes, the judge shall certify the result to the secretary of the board", so that the subsection shall read as follows: R.S.O. 1960, c. 330, s. 37, subs. 2, amended

- (2) The judge may confirm the election or set it aside, or declare that some other candidate was duly elected, or may order a new election, and may order the person found by him not to have been elected to be removed, and, if the judge determines that any other person was duly elected, he may order such person to be admitted, and, where a recount results in two or more candidates having an equal number of votes, the judge shall certify the result to the secretary of the board, and he shall in all cases report his decision to the secretary of the board. Powers of judge

(2) The said section 37 is amended by adding thereto the following subsections: R.S.O. 1960, c. 330, s. 37, amended

- (4) If, upon the casting up of the votes, two or more candidates have an equal number of votes where both or all of such candidates cannot be elected, the clerk of the municipality shall publicly declare the result and put up in a conspicuous place a statement under Where recount necessary because of tie vote

his hand showing the number of votes for each candidate, and shall forthwith notify the judge of the county or district court of the result, and such notification shall be deemed to be a complaint under subsection 1.

When
secretary
to give
casting
vote

- (5) Upon the result of a recount being certified to him showing that two or more candidates have an equal number of votes, the secretary shall forthwith after receiving the certificate give a casting vote for one or more of the candidates or provide for the drawing of lots to decide the election.

Where
sufficient
number of
candidates
not declared
elected to
organize
newly-
created
board

- (6) Where a secretary has not been appointed because a new board has been created but cannot be organized because of an equality of votes of two or more candidates, the clerk of the municipality or, where there is more than one municipality in the school section, the clerk of the municipality having the greatest assessment shall be deemed to be the secretary for the purposes of subsections 2 and 5.

R.S.O. 1960,
c. 330, s. 40
(1964,
c. 95, s. 6),
subss. 4-7,
re-enacted

11.—(1) Subsections 4, 5, 6 and 7 of section 40 of *The Public Schools Act*, as re-enacted by section 6 of *The Public Schools Amendment Act, 1964*, are repealed and the following substituted therefor:

Alteration
of areas

- (4) The council of a county may, by a by-law passed before the 1st day of July in any year,

(a) add all or any part of a township school area to another township school area; or

(b) add all of an urban school section, except a city or separated town, or all or any part of a union school section, except a city or separated town, to a township school area,

as recommended by the consultative committee, provided that the number of resident public school pupils of any board is not reduced to fewer than 120.

Where
attendance
is less than
100 in any
year

- (5) Where the average daily attendance of pupils of the public schools under the jurisdiction of a board is less than 100 in any year, the inspector shall notify the clerk of the county and the secretary of the board affected, and the council of the county shall, by by-law passed before the 1st day of July following notice from the inspector, attach the school section in which the board has jurisdiction to an adjoining school section.

SECTION 11—Subsection 1. The amendments provide for the alteration of township school areas.

Subsection 2. The provision repealed authorizes the Minister to form two areas in a township. Where a part of a township school area or parts of two or more township school areas are incorporated after January 1, 1965, the new subsection 11 provides for the inclusion of the newly-incorporated municipality in a township school area.

- (6) Where the council of a county enlarges a township school area to include all of two or more townships, notwithstanding subsection 4 of section 40c, the by-law may designate the name of the board of the township school area. Name, where two or more whole townships
- (6a) In the territorial districts, the council of a township that forms all or part of a township school area may, by a by-law passed before the 1st day of July in any year, Alteration of areas in territorial districts
- (a) add all or part of a school section in territory without municipal organization to the township school area; or
 - (b) add all of an urban school section, except a city, or all or any part of a union school section, except a city, to the township school area; or
 - (c) detach any portion of the township school area and attach such portion to another township school area or to a union school section,
- if approval thereto has been given by a resolution passed before the 1st day of September of that year, in the case of a school section in territory without municipal organization, by the board of the school section and, in other cases, by the councils of the other municipalities concerned.
- (7) A by-law passed under subsection 4, 5 or 6a comes into force on the 1st day of January after it is approved by the Minister, except that, for the purposes of the election of trustees, it shall be effective on the day it is approved by the Minister. Effective date of by-law
- (2) Subsection 11 of the said section 40 is repealed and the following substituted therefor: R.S.O. 1960, c. 330, s. 40 (1964, c. 95, s. 6), suba. 11, re-enacted
- (11) ^{*}Where, Newly-incorporated municipalities
- (a) a part of a township school area is incorporated as a municipality on or after the 1st day of January, 1965, the municipality so incorporated shall continue to form part of the township school area; or
 - (b) parts of two or more township school areas are incorporated as a municipality on or after the 1st day of January, 1965, the municipality

so incorporated shall form part of the township school area that surrounds it or with which it has the greatest length of common boundary.

R.S.O. 1960,
c. 330, s. 40^a
(1964,
c. 95, s. 6),
subs. 4,
amended

12. Subsection 4 of section 40^a of *The Public Schools Act*, as enacted by section 6 of *The Public Schools Amendment Act, 1964*, is amended by adding "and" at the end of clause *b*, by striking out "and" at the end of clause *c* and by striking out clause *d*.

R.S.O. 1960,
c. 330, s. 40^b
(1964,
c. 95, s. 6),
subs. 1,
amended

13.—(1) Subsection 1 of section 40^b of *The Public Schools Act*, as enacted by section 6 of *The Public Schools Amendment Act, 1964*, is amended by striking out "subsections 1 to 3" in the fourth line and inserting in lieu thereof "subsection 1 or 2".

R.S.O. 1960,
c. 330, s. 40^b
(1964,
c. 95, s. 6),
subs. 1,
cl. *c*,
re-enacted

(2) Clause *c* of subsection 1 of the said section 40^b is repealed and the following substituted therefor:

(*c*) where a part of a township is included in a township school area and the assessment for public school purposes in such part is less than 10 per cent of the total assessment for public school purposes in the township, such part shall not be deemed a municipality for the purposes of subsection 1 or 2 of section 55 of *The Secondary Schools and Boards of Education Act*.

R.S.O. 1960,
c. 362

R.S.O. 1960,
c. 330, s. 40^c
(1964,
c. 95, s. 6),
subs. 4,
amended

14.—(1) Subsection 4 of section 40^c of *The Public Schools Act*, as enacted by section 6 of *The Public Schools Amendment Act, 1964*, is amended by striking out "(insert name of municipality)" in the third and fourth lines and inserting in lieu thereof "(insert name of municipality or, where more than one municipality is included in the area, insert name selected by the board and approved by the Minister)", so that the subsection shall read as follows:

Incorporation

(4) Every board of trustees of a township school area is a corporation by the name of "The Public School Board of the Township School Area of (insert name of municipality or, where more than one municipality is included in the area, insert name selected by the board and approved by the Minister)".

R.S.O. 1960,
c. 330, s. 40^c
(1964,
c. 95, s. 6),
amended

(2) The said section 40^c is amended by adding thereto the following subsection:

Parts not
rated for
trustee,
attached to
township for
voting
purposes

(10) Each part of a township that is included in a township school area but that is not deemed a municipality for the purposes of subsection 1 or 2 of section 55 of

SECTION 12. The provisions of clause *d* are now dealt with elsewhere in the section and are, therefore, deleted.

SECTION 13—Subsection 1. The amendment is to correct a reference.

Subsection 2. Clause *c* is re-enacted to provide that a part of a township assessed for less than 10 per cent of the total assessment for public school purposes in the township is not rated for the purposes of representation on the board of trustees of a township school area.

SECTION 14—Subsection 1. The amendment provides for the name of a board in cases where the township school area includes more than one municipality.

Subsection 2. The amendment provides for the election of trustees by electors in parts of a township school area that are not rated as municipalities for the purposes of representation on the board of trustees.

SECTION 15. See note to section 17 of this Bill.

SECTION 16. At present, a union school section may be formed in the territorial districts consisting of any combination of organized townships, towns, villages and territory without municipal organization. The amendments will restrict the formation and alteration as provided in subsection 18.

The Secondary Schools and Boards of Education Act R.S.O. 1960,
c. 362
shall, for the purposes of the election of trustees and of voting on school matters, be attached to the township in which the township school area is formed or, where the township school area includes all of two or more townships, it shall be attached for such purposes, by resolution, by the public school consultative committee of the county in which the township school area or the part of the township school area having the greatest assessment is located, to a township all or part of which is in the township school area.

15.—(1) Subsection 1 of section 43 of *The Public Schools Act* is amended by striking out “assessors” in the third line and inserting in lieu thereof “treasurers” and by striking out “assessor” in the fourth line and inserting in lieu thereof “treasurer”, so that the subsection shall read as follows: R.S.O. 1960,
c. 330, s. 43,
subs. 1,
amended

(1) Where a township school area consists of more than one municipality or parts thereof, section 55 applies *mutatis mutandis*, except that the meeting of the treasurers shall be called by the treasurer of the municipality having the largest population within the township school area according to the last revised assessment rolls. Treasurers
to determine
proportion

(2) Subsection 2 of the said section 43 is amended by striking out “assessors” in the first line and in the second line and inserting in lieu thereof in each instance “treasurers”, so that the subsection shall read as follows: R.S.O. 1960,
c. 330, s. 43,
subs. 2,
amended

(2) Where the treasurers disagree, the inspector of the township school area and the treasurers shall be arbitrators to determine the matter. Arbitration
where
treasurers
disagree

16.—(1) Section 45 of *The Public Schools Act*, as amended by section 12 of *The Public Schools Amendment Act, 1961-62*, section 7 of *The Public Schools Amendment Act, 1962-63* and section 7 of *The Public Schools Amendment Act, 1964*, is further amended by adding thereto the following subsection: R.S.O. 1960,
c. 330, s. 45,
amended

(18) Where in any year a town or village in a territorial district had in the preceding year a population of 1,000 or more and the average daily attendance of the public school pupils residing in the town or village was 100 or more in the preceding year, a union school section consisting of the town or village and all or part of one or more organized townships may be formed or altered under this section. Formation
in territorial
district

R.S.O. 1960,
c. 330, s. 45,
subs. 19,
cl. a,
repealed (2) Clause *a* of subsection 19 of the said section 45, as amended by section 7 of *The Public Schools Amendment Act, 1962-63*, is repealed.

R.S.O. 1960,
c. 330, s. 45,
subs. 19,
cl. b,
amended (3) Clause *b* of subsection 19 of the said section 45 is amended by striking out "such" in the second line, so that the clause shall read as follows:

petition

- (b) for the purpose of the formation, alteration or dissolution of a union school section, the petition of the ratepayers for the part of the union school section not included in an urban municipality or organized township shall be presented to the inspector.

R.S.O. 1960,
c. 330, s. 55,
subss. 1
(1960-61,
c. 82, s. 5,
subs. 1), 2, 3, re-enacted;
subs. 4,
repealed **17.—**(1) Subsection 1, as re-enacted by subsection 1 of section 5 of *The Public Schools Amendment Act, 1960-61*, and subsections 2, 3 and 4 of section 55 of *The Public Schools Act* are repealed and the following substituted therefor:

Maintenance
of union
school
section,
apportion-
ment
of costs

- (1) Except in the case of union school sections established under section 46,

(a) where the amount of the assessment for public school purposes of the part of the union school section situate in one municipality has increased or decreased by at least 10 per cent of the amount of its assessment at the date of the last apportionment; or

(b) where, since the last apportionment, the sum of the percentage increase of the assessment for public school purposes in the part of the union school section in one municipality and of the percentage decrease of the assessment for public school purposes in the part of the union school section in any other municipality is at least 10,

and in any case,

(c) in each year that is divisible evenly by 5,

the treasurers of the municipalities in which such a union school section is situate shall, before the 1st day of December, meet and determine what portion of the annual requisition made by the board for school purposes shall be levied, commencing in the following year, upon and collected from the taxable property of the public school supporters of the union school section situate in each of the municipalities

SECTION 17. At present, the assessors of the municipalities in a union school section or township school area meet to determine the apportionment of costs. Where a county assessment commissioner has been appointed, he acts as assessor for all municipalities and would, therefore, act as a sole arbitrator to determine the apportionment. The provisions are, therefore, amended to provide that the treasurers of the municipalities shall meet to determine the apportionment.

SECTION 18—Subsection 1. Subsection 3 is re-enacted to provide that, where land in territory without municipal organization is transferred by the inspector from one school section to another, the inspector may require the board of the school section to which the land is transferred to pay a portion of the debenture debt of the section from which the land was transferred.

in which the section lies, provided that, upon the recommendation of at least one-half of the treasurers and with the approval of the Minister, an apportionment may be made in any year.

- (2) Where the assessment of a union school section is materially altered by reason of any land therein becoming exempt from taxation for public school purposes, the treasurers at their next meeting shall revise the apportionment. Assessment altered by exemptions

- (3) The meeting of the treasurers shall be called by the treasurer of the municipality in which the school-house is situate. Meeting of treasurers

(2) Subsections 6 and 7 of the said section 55 are repealed and the following substituted therefor: R.S.O. 1960, c. 330, s. 55, subss. 6, 7, re-enacted

- (6) If the treasurers do not reach a decision on or before the 1st day of December, the inspector, in whose inspectorate the school of the union school section is situate, and the treasurers shall be arbitrators and shall determine the matter and report to the secretary of the board and to the clerk of each municipality on or before the 31st day of December. Arbitration where treasurers do not reach a decision

- (7) Where the union school section is composed of parts of two adjoining counties and the treasurers do not reach a decision on or before the 1st day of December, the inspector of the township in which the school of the union school section is situate shall act with the treasurers as arbitrators. Where union school section in two counties

(3) Subsections 9 and 10 of the said section 55 are repealed and the following substituted therefor: R.S.O. 1960, c. 330, s. 55, subss. 9, 10, re-enacted

- (9) The treasurers or, in the case of an arbitration, the arbitrators, on the request in writing of the inspector or of five ratepayers, may, within one month after the report of the determination or award to the secretary of the board, correct any omission or error in the terms in which the determination or award is expressed. Reconsideration of award

- (10) The cost of proceedings under this section, including the fees of treasurers and arbitrators, shall be paid by the municipalities in accordance with the apportionment under subsection 1. Costs

18.—(1) Subsection 3 of section 56 of *The Public Schools Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 330, s. 56, subs. 3, re-enacted

Liability for
debenture
debt where
land trans-
ferred from
one section
to another

- (3) On the petition of the head of a family who has a child attending school and who lives in one school section on land contiguous to another school section, the inspector, if he is of the opinion that it is more convenient for the child to attend the school in the other section, may alter the boundaries of the sections so as to transfer such land from one section to the other, and, where there is a debenture debt for public school purposes in the section from which the land is transferred, the inspector may require the board of the school section to which the property was attached to pay such portion of the interest and principal of the debenture debt as is determined by the inspector.

R.S.O. 1960,
c. 330, s. 56,
subs. 5,
re-enacted

- (2) Subsection 5 of the said section 56 is repealed and the following substituted therefor:

Election
of school
trustees

- (5) After the formation of a school section, the inspector shall cause notices to be posted, for at least six clear days in not fewer than three public places in the section, appointing a time and place for the first meeting of property owners and tenants, who are not separate school supporters, for the election of three trustees for the section, and the inspector may take such additional action to publicize the meeting as he deems expedient.

R.S.O. 1960,
c. 330, s. 66,
repealed

- 19.** Section 66 of *The Public Schools Act* is repealed.

R.S.O. 1960,
c. 330, s. 74,
subs. 1,
cl. b,
re-enacted

- 20.** Clause *b* of subsection 1 of section 74 of *The Public Schools Act* is repealed and the following substituted therefor:

submit
estimates

- (b) prepare and submit to the council of each municipality, all or part of which is included in the school section in which the board has jurisdiction, on or before such time as the council may prescribe, estimates of all sums required during the year for the purposes of the board, and such estimates,

(i) shall set forth the estimated revenues and expenditures of the board,

(ii) shall make due allowance for a surplus of any previous year that will be available during the current year,

(iii) shall provide for a deficit of any previous year,

Subsection 2. The subsection is re-enacted to require the inspector, instead of two ratepayers, to call the first meeting after the formation of a school section in territory without municipal organization.

SECTION 19. Section 66 authorizes public school boards to require councils to raise money for permanent improvements by one special rate. This provision is now contained in clause *b* of subsection 1 of section 74, which authorizes a board to include in its estimates a provision for expenditures for permanent improvements out of current funds but limited in respect of the acquisition of sites and the erection and improvement of buildings to an amount not exceeding two mills upon the assessment for public school purposes.

SECTION 20. The provisions respecting estimates of a school board are revised to make them uniform for all public and secondary school boards. Subclause *v* is new.



- (iv) may provide for expenditures for permanent improvements, provided that the total of expenditures for permanent improvements referred to in subparagraphs i, ii, iii, v and vii of paragraph 25 of subsection 2 of section 1 of *The Schools Administration Act* shall not exceed a sum calculated at two mills in the dollar upon the total assessment of the taxable property of public school supporters in the school section according to the last revised assessment roll, and for further expenditures if such further expenditures are approved in the manner provided for approving debentures for permanent improvements, R.S.O. 1960,
c. 361
- (v) may provide for a reserve for working funds of a sum not in excess of 5 per cent of the expenditures of the board for the preceding year, but, where the sum accumulated in the reserve is equal to or is more than 20 per cent of such expenditures, no further sum shall be provided.

21.—(1) This Act, except sections 1, 2, 6, 15, 17, 19 and 20, comes into force on the day it receives Royal Assent. Commence-
ment

(2) Sections 1 and 2 come into force on the 1st day of September, 1965. Idem

(3) Sections 6, 15, 17, 19 and 20 come into force on the 1st day of January, 1966. Idem

22. This Act may be cited as *The Public Schools Amendment Act, 1965*. Short title

An Act to amend The Public Schools Act

1st Reading

March 31st, 1965

2nd Reading

3rd Reading

MR. DAVIS

BILL 88

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Public Schools Act

MR. DAVIS

(Reprinted as amended by the Committee on Education, Health and Welfare)

EXPLANATORY NOTES

SECTION 1. A common method of determining fees is provided in section 100a of *The Schools Administration Act*. See section 18 of Bill 87. The amendment is necessary to refer to this provision.

SECTION 2. A common method of determining fees is provided in section 100a of *The Schools Administration Act*. See section 18 of Bill 87. The amendments are necessary to refer to such provision.

Subsection 8a of section 6 is new and is self-explanatory.

An Act to amend The Public Schools Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 6 of section 5 of *The Public Schools Act* is amended by striking out "not in excess of the net cost per pupil per day in the preceding year" in the first and second lines and inserting in lieu thereof "as provided in subsection 4 of section 100a of *The Schools Administration Act*", so that the subsection shall read as follows:

R.S.O. 1960,
c. 330, s. 5,
subs. 6,
amended

(6) The board may charge a fee, as provided in subsection 4 of section 100a of *The Schools Administration Act*, to be prepaid monthly by the parent or guardian for attendance in kindergarten or junior kindergarten of pupils who have not attained the age stated in subsection 1.

Kindergarten fees
R.S.O. 1960,
c. 361

2.—(1) Subsection 1 of section 6 of *The Public Schools Act*, as amended by section 1 of *The Public Schools Amendment Act, 1960-61*, is repealed.

R.S.O. 1960,
c. 330, s. 6,
subs. 1,
repealed

(2) Subsection 4 of the said section 6 is amended by striking out "not in excess of the net cost per pupil per day in the preceding year" in the tenth and eleventh lines and inserting in lieu thereof "as provided in subsection 4 of section 100a of *The Schools Administration Act*", so that the subsection shall read as follows:

R.S.O. 1960,
c. 330, s. 6,
subs. 4,
amended

(4) Subject to section 5, a child,

(a) who resides with his parent or guardian in a residence that is assessed to the support of public schools; and

Admission of resident pupil to another school by reason of distance to school

(b) who may be excused from attendance at the school because of distance, as provided in *The Schools Administration Act* and as certified by the inspector,

R.S.O. 1960,
c. 361

may be admitted to another public school whose inspector certifies that there is sufficient accommodation for him, upon the prepayment monthly by the parent or guardian of a fee as provided in subsection 4 of section 100a of *The Schools Administration Act*, and the board of the section in which he resides shall refund to the parent or guardian the amount of taxes paid by him in the current year for the support of public schools up to but not exceeding the amount of fees paid for the current year.

R.S.O. 1960,
c. 330, s. 6,
subs. 5
(1964,
c. 95, s. 1),
amended

(3) Subsection 5 of the said section 6, as re-enacted by section 1 of *The Public Schools Amendment Act, 1964*, is amended by striking out "not in excess of the gross cost per pupil per day in the preceding year of the board in the adjoining school section" in the seventeenth, eighteenth and nineteenth lines and inserting in lieu thereof "calculated in accordance with subsection 1 of section 100a of *The Schools Administration Act*", so that the subsection shall read as follows:

Resident
pupil's
right to
attend more
accessible
school in
adjoining
school
section

(5) Subject to section 5, where a child resides with his parent or guardian in a residence that is assessed to the support of public schools and the public school that he is required to attend is more than two miles from his residence by the shortest distance by road and a public school in an adjoining school section is nearer by the shortest distance by road and the inspector having jurisdiction in such adjoining school section certifies that there is sufficient accommodation for such child, unless transportation is provided to the school that he is required to attend from a point within one-half mile by the shortest distance by road from his residence, the child shall be admitted to the school in the adjoining school section and the board of the school section in which he resides shall pay to the board in the adjoining school section a fee calculated in accordance with subsection 1 of section 100a of *The Schools Administration Act*.

R.S.O. 1960,
c. 361

R.S.O. 1960,
c. 330, s. 6,
subs. 6,
amended

(4) Subsection 6 of the said section 6 is amended by striking out "not in excess of the net cost per pupil per day in the preceding year" in the sixth and seventh lines and inserting in lieu thereof "as provided in subsection 4 of section 100a of *The Schools Administration Act*", so that the subsection shall read as follows:

Admission
of non-
resident
pupils

(6) Where a parent or guardian who resides in a school section wishes to enrol his child in a public school in another school section and does not qualify for

the privilege under subsection 3, 4 or 9, the child may be admitted by the board upon the prepayment monthly by the parent or guardian of a fee as provided in subsection 4 of section 100a of *The Schools Administration Act*.

R.S.O. 1960,
c. 361

(5) Subsection 8 of the said section 6 is repealed and the following substituted therefor:

R.S.O. 1960,
c. 330, s. 6,
subs. 8,
re-enacted

(8) Subject to subsection 8a, a child who is a ward of a children's aid society shall be admitted, without the payment of a fee, to a school by the board that was supported by the assessment of the residence in which he resided with his parent or guardian in the year in which he became a ward.

Admission
of ward of
children's
aid society

(8a) A child who is a ward of a children's aid society and who has been placed for adoption on a probationary basis shall be admitted, without the payment of a fee, to a school by the board that is supported by the assessment of the residence in which the child resides with his adoptive parent upon receipt from the children's aid society of a certificate stating that the child has been so placed for adoption.

Where child
placed for
adoption

(6) Subsection 9 of the said section 6 is amended by striking out "not in excess of the net cost per pupil per day in the preceding year" in the eighth and ninth lines and inserting in lieu thereof "as provided in subsection 4 of section 100a of *The Schools Administration Act*", so that the subsection shall read as follows:

R.S.O. 1960,
c. 330, s. 6,
subs. 9,
amended

(9) Where a child who is in the custody of a corporation, society or person and who is not qualified for admission under the other provisions of this section resides in a school section and the public school inspector certifies that there is sufficient accommodation in a school in that section for the current school year, the board of such section shall admit the child to such school upon the prepayment monthly by the corporation, society or person of a fee as provided in subsection 4 of section 100a of *The Schools Administration Act*.

Idem

R.S.O. 1960,
c. 361

(7) Subsection 12 of the said section 6 is amended by striking out "a fee not in excess of the gross cost per pupil per day for the preceding year" in the third, fourth and fifth lines and inserting in lieu thereof "fees calculated in accordance with subsection 1 of section 100a of *The Schools Administration Act*", so that the subsection shall read as follows:

R.S.O. 1960,
c. 330, s. 6,
subs. 12,
amended

Agreement
between
boards

- (12) A public school board may by agreement with another public school board furnish education for the pupils of the other board and for that purpose may charge fees calculated in accordance with subsection 1 of section 100a of *The Schools Administration Act*.

R.S.O. 1960,
c. 361

R.S.O. 1960,
c. 330,
amended

3. *The Public Schools Act* is amended by adding thereto the following section:

Agreement
for pro-
vision of
additional
accommoda-
tion by
board for
pupils of
another
board

6a.—(1) Subject to the approval of the Minister, a board may enter into an agreement with another board providing,

(a) for the construction, furnishing and equipping of one or more additional classrooms by one board to provide accommodation for pupils of the other board;

(b) that the cost of providing such additional accommodation shall be borne and paid by such other board; and

(c) notwithstanding subsection 1 of section 100a of *The Schools Administration Act*, for the calculation and payment of fees in respect of such pupils.

R.S.O. 1960,
c. 361

Debentures
where cost
borne by
board not
providing
accommoda-
tion

- (2) Where under an agreement the board that does not provide the additional accommodation is required to bear and pay the cost thereof, for the purposes of issuing municipal debentures, the additional accommodation shall be deemed to be a permanent improvement of such board.

Term of
agreement

- (3) Every such agreement shall remain in effect for at least the term of the debentures issued in respect thereof unless terminated by the mutual consent of the parties to the agreement.

R.S.O. 1960,
c. 330, s. 12,
amended

4. Section 12 of *The Public Schools Act* is amended by adding thereto the following subsection:

Section
not to be
included in
township
school area

- (3) No rural school section established under this section shall be included in a township school area.

R.S.O. 1960,
c. 330, s. 13
(1964,
c. 95, s. 3),
subs. 2,
re-enacted

5.—(1) Subsection 2 of section 13 of *The Public Schools Act*, as re-enacted by section 3 of *The Public Schools Amendment Act, 1964*, is repealed and the following substituted therefor:

SECTION 3. Self-explanatory.

SECTION 4. Rural school sections on lands exempt from taxation are not to be included in a township school area.

SECTION 5—Subsection 1. The duties of consultative committees are extended to township school areas as well as county school areas.

Subsections 2 and 3. The amendments provide that a county school area shall be at least as large as the high school district that includes the municipalities or parts thereof to be included in the county school area, and provide for the alteration of a county school area.

Subsection 4. Subsections 11 and 12 are re-enacted to make the provisions re trustees of a county school area consistent with those affecting township school areas. Small rural parts do not qualify as municipalities in township school areas. Similar provisions are now applied to county school areas. Provision is made for electors in such rural parts to vote on school matters.

- (2) The council of a county may direct the committee to investigate and report on the desirability of establishing or enlarging county school areas or of altering township school areas or on any other matters affecting public school education in the county. Duties of committee
- (2) Subsection 6 of the said section 13 is repealed and the following substituted therefor: R.S.O. 1960, c. 330, s. 13 (1964, c. 95, s. 3), subs. 6, re-enacted
- (6) The council of a county may, by by-law passed before the 1st day of July in any year, establish, as recommended by the consultative committee, the municipalities and parts thereof that form a high school district as a county school area for public school purposes and may include therein any area adjacent thereto within the county. Establishment of county school areas
- (6a) Subject to subsections 6 and 7, the council of a county may, by by-law passed before the 1st day of July in any year, alter a county school area as recommended by the consultative committee. Enlargement of county school areas
- (3) Subsection 8 of the said section 13 is amended by striking out "or 7" in the first line and inserting in lieu thereof "6a or 7", so that the subsection shall read as follows: R.S.O. 1960, c. 330, s. 13 (1964, c. 95, s. 3), subs. 8, amended
- (8) A by-law passed under subsection 6, 6a or 7 comes into force on the 1st day of January after it is approved by the Minister, except that, for the purposes of the election of trustees, it shall be effective on the day it is approved by the Minister. Effective date of by-laws
- (4) Subsections 11 and 12 of the said section 13 are repealed and the following substituted therefor: R.S.O. 1960, c. 330, s. 13 (1964, c. 95, s. 3), subss. 11, 12, re-enacted
- (11) There shall be a board of public school trustees for every county school area, which shall consist of the number of elected trustees provided for boards of education under subsection 1 or 2 of section 55 of *The Secondary Schools and Boards of Education Act*, provided that, Board, composition
- (a) where the number of trustees is fewer than five or more than nine, the council of a county may, as recommended by the consultative committee, request the Minister to determine the number of trustees to be elected to the board, the municipality or municipalities to be represented by each trustee, and their terms of office;

- (b) where a part of a township is included in a county school area and the assessment for public school purposes in such part is less than 10 per cent of the total assessment for public school purposes in the township, such part shall not be deemed a municipality for the purposes of subsection 1 or 2 of section 55 of *The Secondary Schools and Boards of Education Act*.

R.S.O. 1960,
c. 362

Election of
trustees

- (12) Such trustees shall be elected in the manner provided for the election of members of a board of education under section 56 of *The Secondary Schools and Boards of Education Act*, which section, except subsection 2, applies *mutatis mutandis*.

Voters
list

- (12a) Where a county school area includes part of a township that is not deemed a municipality for the purposes of subsection 1 or 2 of section 55 of *The Secondary Schools and Boards of Education Act*, the clerk of the township that includes such part shall furnish to the clerk of the township in which the county school area is formed, or, where the county school area includes all of two or more townships, to the clerk of the township having the greatest equalized assessment, a certified copy of the list of voters qualified to vote on school matters in such part of the township.

Parts not
rated for
trustee,
attached to
township
for voting
purposes

- (12b) Each part of a township that is included in a county school area but that is not deemed a municipality for the purposes of subsection 1 or 2 of section 55 of *The Secondary Schools and Boards of Education Act* shall, for the purposes of the election of trustees and of voting on school matters, be attached, by resolution, by the public school consultative committee of the county in which the county school area or the part of the county school area having the greatest assessment is located, to a township all or part of which is in the county school area.

R.S.O. 1960,
c. 330, s. 13
(1964,
c. 95, s. 3),
subs. 13,
amended

- (5) Subsection 13 of the said section 13 is amended by adding at the end thereof "or, if designated in the by-law establishing or altering the county school area and approved by the Minister, 'The Public School Board of (*insert names of municipalities chiefly concerned*)' ", so that the subsection shall read as follows:

Name of
board

- (13) A board of a county school area is a corporation by the name of "The Public School Board of (*insert name of county*) County School Area Number

Subsection 5. The amendment provides for the use of the names of local municipalities in the name of the board of a county school area.

Subsection 6. Subsection 16 provides for the apportionment of the annual requisition in county school areas.

Subsection 7. This subsection provides that the assessors of the municipalities shall make the apportionment until the 1st day of January, 1966, and thereafter the treasurers will make the apportionment. This is to bring the provisions re county school areas in line with the provisions of the township school areas, as amended elsewhere in this Bill.

SECTION 6. Subsection 17 provides for the apportionment of the annual requisition in district school areas.

(*insert number in order of formation*)" or, if designated in the by-law establishing or altering the county school area and approved by the Minister, "The Public School Board of (*insert names of municipalities chiefly concerned*)".

(6) The said section 13 is amended by adding thereto the following subsection:

R.S.O. 1960,
c. 330, s. 13
(1964,
c. 95, s. 3),
amended

(16) In the year in which a county school area is formed or altered and thereafter, the annual requisition of the board for school purposes shall be apportioned in accordance with section 55, which section applies *mutatis mutandis*, except that,

Apportion-
ment of
annual
requisition

(a) the meeting of treasurers shall be called by the treasurer of the municipality having the greatest assessment for public school purposes within the county school area according to the last revised assessment rolls; and

(b) if the treasurers do not reach a decision on or before the 1st day of December, the inspector of the county school area and the treasurers shall be the arbitrators to determine the matter.

(7) Any reference to treasurer or treasurers in subsection 16 of section 13 of *The Public Schools Act*, as enacted by subsection 6, shall, until the 1st day of January, 1966, be deemed to be a reference to assessor or assessors, as the case may be.

Apportion-
ment by
assessors
until
Jan. 1,
1966

6. Section 14 of *The Public Schools Act*, as re-enacted by section 3 of *The Public Schools Amendment Act, 1964*, is amended by adding thereto the following subsection:

R.S.O. 1960,
c. 330, s. 14
(1964,
c. 95, s. 3),
amended

(17) In the year in which a district school area is formed or altered and thereafter, the annual requisition of the board for school purposes shall be apportioned in accordance with section 55, which section applies *mutatis mutandis*, except that,

Apportion-
ment of
annual
requisition

(a) the meeting of treasurers shall be called by the treasurer of the municipality having the greatest assessment for public school purposes within the district school area according to the last revised assessment rolls; and

(b) if the treasurers do not reach a decision on or before the 1st day of December, the inspector of the district school area and the treasurers shall be the arbitrators to determine the matter.

R.S.O. 1960,
c. 330, s. 18
(1961-62,
c. 120, s. 2),
subs. 4,
cls. a-c,
re-enacted

7. Clauses *a*, *b* and *c* of subsection 4 of section 18 of *The Public Schools Act*, as re-enacted by section 2 of *The Public Schools Amendment Act, 1961-62* and amended by section 4 of *The Public Schools Amendment Act, 1964*, are repealed and the following substituted therefor:

(a) who is,

(i) a member of any other elementary or secondary school board, or

(ii) a member of the council of a municipality or county in which all or part of the school section is situate, or

(iii) an elected member of a local board of a municipality or county in which all or part of the school section is situate,

unless before the opening of the nomination meeting he has filed his resignation with the secretary of the other school board or with the clerk of the municipality or county, as the case may be;

(b) who is the clerk or treasurer of a municipality or county in which all or part of the school section is situate;

(c) who is the husband or wife of a trustee of the same board.

R.S.O. 1960,
c. 330, s. 21,
subs. 11
(1964,
c. 95, s. 5),
amended

8. Subsection 11 of section 21 of *The Public Schools Act*, as enacted by section 5 of *The Public Schools Amendment Act, 1964*, is amended by inserting after "shall" in the fifth line "give a casting vote or", so that the subsection shall read as follows:

When tie
vote

(11) When, at a regular annual meeting or at a special meeting called to fill a vacancy or vacancies, two or more candidates for the office of trustee receive an equal number of votes, the chairman of the meeting shall give a casting vote or provide for the drawing of lots to determine which of the candidates is elected.

R.S.O. 1960,
c. 330, s. 29,
subs. 2,
amended

9.—(1) Subsection 2 of section 29 of *The Public Schools Act* is amended by striking out "on the assessment roll" in the second and third lines and inserting in lieu thereof "by the municipal census", so that the subsection, exclusive of the clauses, shall read as follows:

SECTION 7. Clauses *a* and *b* are re-enacted to permit trustees to be appointed to local boards. Clause *c* is re-enacted to make it clear that a person is disqualified to be elected to a board if his wife or her husband is a trustee of the same board.

SECTION 8. The amendment is to make the provision uniform with similar provisions elsewhere in the Act.

SECTION 9. The provisions are amended to refer to "municipal census" instead of "assessment roll" for the purpose of determining population.

SECTION 10. The amendments provide,

- (1) for the secretary of a board giving a casting vote where two or more candidates have an equal number of votes following a recount by a judge;
- (2) that, where there is a tie vote upon the casting up of votes, the clerk is required to refer the matter to the judge, and thereupon the judge has all the powers under subsection 2 of section 38 as if the reference were a complaint under subsection 1.

- (2) The number of trustees on the board shall be determined by the population of the municipality as shown by the municipal census for the year preceding the year in which the election is held as follows, where the population was, Number of trustees on board

(2) Subsection 3 of the said section 29, as re-enacted by section 3 of *The Public Schools Amendment Act, 1960-61*, is amended by striking out "assessment roll" in the first line and inserting in lieu thereof "census", so that the subsection shall read as follows: R.S.O. 1960, c. 330, s. 29, subs. 3 (1960-61, c. 82, s. 3), amended

- (3) Where it becomes evident from the census of a municipality that the number of trustees on a school board should be increased or decreased, at the next election of trustees the proper number of trustees shall be elected, and the trustees then in office shall continue in office until the new board is organized. Change in number of trustees

10.—(1) Subsection 2 of section 37 of *The Public Schools Act* is amended by striking out "and if the judge determines that no person was duly elected he shall order a new election to be held" in the sixth, seventh and eighth lines and inserting in lieu thereof "and, where a recount results in two or more candidates having an equal number of votes, the judge shall certify the result to the secretary of the board", so that the subsection shall read as follows: R.S.O. 1960, c. 330, s. 37, subs. 2, amended

- (2) The judge may confirm the election or set it aside, or declare that some other candidate was duly elected, or may order a new election, and may order the person found by him not to have been elected to be removed, and, if the judge determines that any other person was duly elected, he may order such person to be admitted, and, where a recount results in two or more candidates having an equal number of votes, the judge shall certify the result to the secretary of the board, and he shall in all cases report his decision to the secretary of the board. Powers of judge

(2) The said section 37 is amended by adding thereto the following subsections: R.S.O. 1960, c. 330, s. 37, amended

- (4) If, upon the casting up of the votes, two or more candidates have an equal number of votes where both or all of such candidates cannot be elected, the clerk of the municipality shall publicly declare the result and put up in a conspicuous place a statement under Where recount necessary because of tie vote

his hand showing the number of votes for each candidate, and shall forthwith notify the judge of the county or district court of the result, and such notification shall be deemed to be a complaint under subsection 1.

When
secretary
to give
casting
vote

- (5) Upon the result of a recount being certified to him showing that two or more candidates have an equal number of votes, the secretary shall forthwith after receiving the certificate give a casting vote for one or more of the candidates or provide for the drawing of lots to decide the election.

Where
sufficient
number of
candidates
not declared
elected to
organize
newly-
created
board

- (6) Where a secretary has not been appointed because a new board has been created but cannot be organized because of an equality of votes of two or more candidates, the clerk of the municipality or, where there is more than one municipality in the school section, the clerk of the municipality having the greatest assessment shall be deemed to be the secretary for the purposes of subsections 2 and 5.

R.S.O. 1960,
c. 330, s. 40
(1964,
c. 95, s. 6),
subss. 4-7,
re-enacted

11.—(1) Subsections 4, 5, 6 and 7 of section 40 of *The Public Schools Act*, as re-enacted by section 6 of *The Public Schools Amendment Act, 1964*, are repealed and the following substituted therefor:

Alteration
of areas

- (4) The council of a county may, by a by-law passed before the 1st day of July in any year,

(a) add all or any part of a township school area to another township school area; or

(b) add all of an urban school section, except a city or separated town, or all or any part of a union school section, except a city or separated town, to a township school area,

as recommended by the consultative committee, provided that the number of resident public school pupils of any board is not reduced to fewer than 120.

Where
attendance
is less than
100 in any
year

- (5) Where the average daily attendance of pupils of the public schools under the jurisdiction of a board is less than 100 in any year, the inspector shall notify the clerk of the county and the secretary of the board affected, and the council of the county shall, by by-law passed before the 1st day of July following notice from the inspector, attach the school section in which the board has jurisdiction to an adjoining school section.

SECTION 11—Subsection 1. The amendments provide for the alteration of township school areas.

Subsection 2. The provision repealed authorizes the Minister to form two areas in a township. Where a part of a township school area or parts of two or more township school areas are incorporated after January 1, 1965, the new subsection 11 provides for the inclusion of the newly-incorporated municipality in a township school area.

- (6) Where the council of a county enlarges a township school area to include all of two or more townships, notwithstanding subsection 4 of section 40c, the by-law may designate the name of the board of the township school area. Name, where two or more whole townships

- (6a) In the territorial districts, the council of a township that forms all or part of a township school area may, by a by-law passed before the 1st day of July in any year, Alteration of areas in territorial districts

(a) add all or part of a school section in territory without municipal organization to the township school area; or

(b) add all of an urban school section, except a city, or all or any part of a union school section, except a city, to the township school area; or

(c) detach any portion of the township school area and attach such portion to another township school area or to a union school section,

if approval thereto has been given by a resolution passed before the 1st day of September of that year, in the case of a school section in territory without municipal organization, by the board of the school section and, in other cases, by the councils of the other municipalities concerned.

- (7) A by-law passed under subsection 4, 5 or 6a comes into force on the 1st day of January after it is approved by the Minister, except that, for the purposes of the election of trustees, it shall be effective on the day it is approved by the Minister. Effective date of by-law

- (2) Subsection 11 of the said section 40 is repealed and the following substituted therefor:

R.S.O. 1960, c. 330, s. 40 (1964, c. 95, s. 6), subs. 11, re-enacted

- (11) Where,

Newly-incorporated municipalities

(a) a part of a township school area is incorporated as a municipality on or after the 1st day of January, 1965, the municipality so incorporated shall continue to form part of the township school area; or

(b) parts of two or more township school areas are incorporated as a municipality on or after the 1st day of January, 1965, the municipality

so incorporated shall form part of the township school area that surrounds it or with which it has the greatest length of common boundary.

R.S.O. 1960,
c. 330, s. 40^a
(1964,
c. 95, s. 6),
subs. 4,
amended

12. Subsection 4 of section 40^a of *The Public Schools Act*, as enacted by section 6 of *The Public Schools Amendment Act, 1964*, is amended by adding "and" at the end of clause *b*, by striking out "and" at the end of clause *c* and by striking out clause *d*.

R.S.O. 1960,
c. 330, s. 40^b
(1964,
c. 95, s. 6),
subs. 1,
amended

13.—(1) Subsection 1 of section 40^b of *The Public Schools Act*, as enacted by section 6 of *The Public Schools Amendment Act, 1964*, is amended by striking out "subsections 1 to 3" in the fourth line and inserting in lieu thereof "subsection 1 or 2".

R.S.O. 1960,
c. 330, s. 40^b
(1964,
c. 95, s. 6),
subs. 1,
cl. *c*,
re-enacted

(2) Clause *c* of subsection 1 of the said section 40^b is repealed and the following substituted therefor:

- (*c*) where a part of a township is included in a township school area and the assessment for public school purposes in such part is less than 10 per cent of the total assessment for public school purposes in the township, such part shall not be deemed a municipality for the purposes of subsection 1 or 2 of section 55 of *The Secondary Schools and Boards of Education Act*.

R.S.O. 1960,
c. 362

R.S.O. 1960,
c. 330, s. 40^c
(1964,
c. 95, s. 6),
subs. 4,
amended

14.—(1) Subsection 4 of section 40^c of *The Public Schools Act*, as enacted by section 6 of *The Public Schools Amendment Act, 1964*, is amended by striking out "(insert name of municipality)" in the third and fourth lines and inserting in lieu thereof "(insert name of municipality or, where more than one municipality is included in the area, insert name selected by the board and approved by the Minister)", so that the subsection shall read as follows:

Incorporation

- (4) Every board of trustees of a township school area is a corporation by the name of "The Public School Board of the Township School Area of (insert name of municipality or, where more than one municipality is included in the area, insert name selected by the board and approved by the Minister)".

R.S.O. 1960,
c. 330, s. 40^c
(1964,
c. 95, s. 6),
amended

(2) The said section 40^c is amended by adding thereto the following subsection:

Parts not
rated for
trustee,
attached to
township for
voting
purposes

- (10) Each part of a township that is included in a township school area but that is not deemed a municipality for the purposes of subsection 1 or 2 of section 55 of

SECTION 12. The provisions of clause *d* are now dealt with elsewhere in the section and are, therefore, deleted.

SECTION 13—Subsection 1. The amendment is to correct a reference.

Subsection 2. Clause *c* is re-enacted to provide that a part of a township assessed for less than 10 per cent of the total assessment for public school purposes in the township is not rated for the purposes of representation on the board of trustees of a township school area.

SECTION 14—Subsection 1. The amendment provides for the name of a board in cases where the township school area includes more than one municipality.

Subsection 2. The amendment provides for the election of trustees by electors in parts of a township school area that are not rated as municipalities for the purposes of representation on the board of trustees.

SECTION 15. See note to section 17 of this Bill.

SECTION 16. At present, a union school section may be formed in the territorial districts consisting of any combination of organized townships, towns, villages and territory without municipal organization. The amendments will restrict the formation and alteration as provided in subsection 18.

The Secondary Schools and Boards of Education Act R.S.O. 1960, c. 362 shall, for the purposes of the election of trustees and of voting on school matters, be attached to the township in which the township school area is formed or, where the township school area includes all of two or more townships, it shall be attached for such purposes, by resolution, by the public school consultative committee of the county in which the township school area or the part of the township school area having the greatest assessment is located, to a township all or part of which is in the township school area.

15.—(1) Subsection 1 of section 43 of *The Public Schools Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 330, s. 43, subs. 1, re-enacted

- (1) Where a township school area consists of more than one municipality or parts thereof, section 55 applies *mutatis mutandis*, except that the meeting of the treasurers shall be called by the treasurer of the municipality having the greatest assessment for public school purposes within the township school area according to the last revised assessment rolls. Treasurers to determine proportion

(2) Subsection 2 of the said section 43 is amended by striking out "assessors" in the first line and in the second line and inserting in lieu thereof in each instance "treasurers", so that the subsection shall read as follows: R.S.O. 1960, c. 330, s. 43, subs. 2, amended

- (2) Where the treasurers disagree, the inspector of the township school area and the treasurers shall be arbitrators to determine the matter. Arbitration where treasurers disagree

16.—(1) Section 45 of *The Public Schools Act*, as amended by section 12 of *The Public Schools Amendment Act, 1961-62*, section 7 of *The Public Schools Amendment Act, 1962-63* and section 7 of *The Public Schools Amendment Act, 1964*, is further amended by adding thereto the following subsection: R.S.O. 1960, c. 330, s. 45, amended

- (18) Where in any year a town or village in a territorial district had in the preceding year a population of 1,000 or more and the average daily attendance of the public school pupils residing in the town or village was 100 or more in the preceding year, a union school section consisting of the town or village and all or part of one or more organized townships may be formed or altered under this section. Formation in territorial district

R.S.O. 1960,
c. 330, s. 45,
subs. 19,
cl. a,
repealed

(2) Clause *a* of subsection 19 of the said section 45, as amended by section 7 of *The Public Schools Amendment Act, 1962-63*, is repealed.

R.S.O. 1960,
c. 330, s. 45,
subs. 19,
cl. b,
amended

(3) Clause *b* of subsection 19 of the said section 45 is amended by striking out "such" in the second line, so that the clause shall read as follows:

petition

(b) for the purpose of the formation, alteration or dissolution of a union school section, the petition of the ratepayers for the part of the union school section not included in an urban municipality or organized township shall be presented to the inspector.

R.S.O. 1960,
c. 330, s. 55,
subs. 1
(1960-61,
c. 82, s. 5,
subs. 1), 2, 3,
re-enacted;
subs. 4,
repealed

17.—(1) Subsection 1, as re-enacted by subsection 1 of section 5 of *The Public Schools Amendment Act, 1960-61*, and subsections 2, 3 and 4 of section 55 of *The Public Schools Act* are repealed and the following substituted therefor:

Maintenance
of union
school
section,
apportion-
ment
of costs

(1) Except in the case of union school sections established under section 46,

(a) where the amount of the assessment for public school purposes of the part of the union school section situate in one municipality has increased or decreased by at least 10 per cent of the amount of its assessment at the date of the last apportionment; or

(b) where, since the last apportionment, the sum of the percentage increase of the assessment for public school purposes in the part of the union school section in one municipality and of the percentage decrease of the assessment for public school purposes in the part of the union school section in any other municipality is at least 10,

and in any case,

(c) in each year that is divisible evenly by 5,

the treasurers of the municipalities in which such a union school section is situate shall, before the 1st day of December, meet and determine what portion of the annual requisition made by the board for school purposes shall be levied, commencing in the following year, upon and collected from the taxable property of the public school supporters of the union school section situate in each of the municipalities

SECTION 17. At present, the assessors of the municipalities in a union school section or township school area meet to determine the apportionment of costs. Where a county assessment commissioner has been appointed, he acts as assessor for all municipalities and would, therefore, act as a sole arbitrator to determine the apportionment. The provisions are, therefore, amended to provide that the treasurers of the municipalities shall meet to determine the apportionment.

SECTION 18—Subsection 1. Subsection 3 is re-enacted to provide that, where land in territory without municipal organization is transferred by the inspector from one school section to another, the inspector may require the board of the school section to which the land is transferred to pay a portion of the debenture debt of the section from which the land was transferred.

in which the section lies, provided that, upon the recommendation of at least one-half of the treasurers and with the approval of the Minister, an apportionment may be made in any year.

- (2) Where the assessment of a union school section is materially altered by reason of any land therein becoming exempt from taxation for public school purposes, the treasurers at their next meeting shall revise the apportionment. Assessment altered by exemptions

- (3) The meeting of the treasurers shall be called by the treasurer of the municipality in which the school-house is situate. Meeting of treasurers

- (2) Subsections 6 and 7 of the said section 55 are repealed and the following substituted therefor: R.S.O. 1960, c. 330, s. 55, subss. 6, 7, re-enacted

- (6) If the treasurers do not reach a decision on or before the 1st day of December, the inspector, in whose inspectorate the school of the union school section is situate, and the treasurers shall be arbitrators and shall determine the matter and report to the secretary of the board and to the clerk of each municipality on or before the 31st day of December. Arbitration where treasurers do not reach a decision

- (7) Where the union school section is composed of parts of two adjoining counties and the treasurers do not reach a decision on or before the 1st day of December, the inspector of the township in which the school of the union school section is situate shall act with the treasurers as arbitrators. Where union school section in two counties

- (3) Subsections 9 and 10 of the said section 55 are repealed and the following substituted therefor: R.S.O. 1960, c. 330, s. 55, subss. 9, 10, re-enacted

- (9) The treasurers or, in the case of an arbitration, the arbitrators, on the request in writing of the inspector or of five ratepayers, may, within one month after the report of the determination or award to the secretary of the board, correct any omission or error in the terms in which the determination or award is expressed. Reconsideration of award

- (10) The cost of proceedings under this section, including the fees of treasurers and arbitrators, shall be paid by the municipalities in accordance with the apportionment under subsection 1. Costs

- 18.**—(1) Subsection 3 of section 56 of *The Public Schools Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 330, s. 56, subs. 3, re-enacted

Liability for
debenture
debt where
land trans-
ferred from
one section
to another

- (3) On the petition of the head of a family who has a child attending school and who lives in one school section on land contiguous to another school section, the inspector, if he is of the opinion that it is more convenient for the child to attend the school in the other section, may alter the boundaries of the sections so as to transfer such land from one section to the other, and, where there is a debenture debt for public school purposes in the section from which the land is transferred, the inspector may require the board of the school section to which the property was attached to pay such portion of the interest and principal of the debenture debt as is determined by the inspector.

R.S.O. 1960,
c. 330, s. 56,
subs. 5,
re-enacted

- (2) Subsection 5 of the said section 56 is repealed and the following substituted therefor:

Election
of school
trustees

- (5) After the formation of a school section, the inspector shall cause notices to be posted, for at least six clear days in not fewer than three public places in the section, appointing a time and place for the first meeting of property owners and tenants, who are not separate school supporters, for the election of three trustees for the section, and the inspector may take such additional action to publicize the meeting as he deems expedient.

R.S.O. 1960,
c. 330, s. 66,
repealed

- 19.** Section 66 of *The Public Schools Act* is repealed.

R.S.O. 1960,
c. 330, s. 74,
subs. 1,
cl. b,
re-enacted

- 20.** Clause *b* of subsection 1 of section 74 of *The Public Schools Act* is repealed and the following substituted therefor:

submit
estimates

- (b) prepare and submit to the council of each municipality, all or part of which is included in the school section in which the board has jurisdiction, on or before such time as the council may prescribe, estimates of all sums required during the year for the purposes of the board, and such estimates,
- (i) shall set forth the estimated revenues and expenditures of the board,
 - (ii) shall make due allowance for a surplus of any previous year that will be available during the current year,
 - (iii) shall provide for a deficit of any previous year,

Subsection 2. The subsection is re-enacted to require the inspector, instead of two ratepayers, to call the first meeting after the formation of a school section in territory without municipal organization.

SECTION 19. Section 66 authorizes public school boards to require councils to raise money for permanent improvements by one special rate. This provision is now contained in clause *b* of subsection 1 of section 74, which authorizes a board to include in its estimates a provision for expenditures for permanent improvements out of current funds but limited in respect of the acquisition of sites and the erection and improvement of buildings to an amount not exceeding two mills upon the assessment for public school purposes.

SECTION 20. The provisions respecting estimates of a school board are revised to make them uniform for all public and secondary school boards. Subclause *v* is new.

- (iv) may provide for expenditures for permanent improvements, provided that the total of expenditures for permanent improvements referred to in subparagraphs i, ii, iii, v and vii of paragraph 25 of subsection 2 of section 1 of *The Schools Administration Act* shall not exceed a sum calculated at two mills in the dollar upon the total assessment of the taxable property of public school supporters in the school section according to the last revised assessment roll, and for further expenditures if such further expenditures are approved in the manner provided for approving debentures for permanent improvements, R.S.O. 1960,
c. 361
- (v) may provide for a reserve for working funds of a sum not in excess of 5 per cent of the expenditures of the board for the preceding year, but, where the sum accumulated in the reserve is equal to or is more than 20 per cent of such expenditures, no further sum shall be provided.

21.—(1) This Act, except sections 1, 2, 6, 15, 17, 19 and 20, comes into force on the day it receives Royal Assent. Commence-
ment

(2) Sections 1, 2, 6, 15, 17, 19 and 20 come into force on the 1st day of January, 1966. Idem

22. This Act may be cited as *The Public Schools Amendment Act, 1965*. Short title



1st Reading

March 31st, 1965

2nd Reading

April 13th, 1965

3rd Reading

MR. DAVIS

(Reprinted as amended by the Committee
on Education, Health and Welfare)

BILL 88

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Public Schools Act

MR. DAVIS

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTES

SECTION 1. A common method of determining fees is provided in section 100a of *The Schools Administration Act*. See section 18 of Bill 87. The amendment is necessary to refer to this provision.

SECTION 2. A common method of determining fees is provided in section 100a of *The Schools Administration Act*. See section 18 of Bill 87. The amendments are necessary to refer to such provision.

Subsection 8a of section 6 is new and is self-explanatory.

An Act to amend The Public Schools Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 6 of section 5 of *The Public Schools Act* is amended by striking out "not in excess of the net cost per pupil per day in the preceding year" in the first and second lines and inserting in lieu thereof "as provided in subsection 4 of section 100a of *The Schools Administration Act*", so that the subsection shall read as follows:

R.S.O. 1960,
c. 330, s. 5,
subs. 6,
amended

(6) The board may charge a fee, as provided in subsection 4 of section 100a of *The Schools Administration Act*, to be prepaid monthly by the parent or guardian for attendance in kindergarten or junior kindergarten of pupils who have not attained the age stated in subsection 1.

Kindergarten fees
R.S.O. 1960,
c. 361

2.—(1) Subsection 1 of section 6 of *The Public Schools Act*, as amended by section 1 of *The Public Schools Amendment Act, 1960-61*, is repealed.

R.S.O. 1960,
c. 330, s. 6,
subs. 1,
repealed

(2) Subsection 4 of the said section 6 is amended by striking out "not in excess of the net cost per pupil per day in the preceding year" in the tenth and eleventh lines and inserting in lieu thereof "as provided in subsection 4 of section 100a of *The Schools Administration Act*", so that the subsection shall read as follows:

R.S.O. 1960,
c. 330, s. 6,
subs. 4,
amended

(4) Subject to section 5, a child,

(a) who resides with his parent or guardian in a residence that is assessed to the support of public schools; and

Admission of resident pupil to another school by reason of distance to school

(b) who may be excused from attendance at the school because of distance, as provided in *The Schools Administration Act* and as certified by the inspector,

R.S.O. 1960,
c. 361

may be admitted to another public school whose inspector certifies that there is sufficient accommodation for him, upon the prepayment monthly by the parent or guardian of a fee as provided in subsection 4 of section 100a of *The Schools Administration Act*, and the board of the section in which he resides shall refund to the parent or guardian the amount of taxes paid by him in the current year for the support of public schools up to but not exceeding the amount of fees paid for the current year.

R.S.O. 1960,
c. 330, s. 6,
subs. 5
(1964,
c. 95, s. 1),
amended

(3) Subsection 5 of the said section 6, as re-enacted by section 1 of *The Public Schools Amendment Act, 1964*, is amended by striking out "not in excess of the gross cost per pupil per day in the preceding year of the board in the adjoining school section" in the seventeenth, eighteenth and nineteenth lines and inserting in lieu thereof "calculated in accordance with subsection 1 of section 100a of *The Schools Administration Act*", so that the subsection shall read as follows:

Resident
pupil's
right to
attend more
accessible
school in
adjoining
school
section

(5) Subject to section 5, where a child resides with his parent or guardian in a residence that is assessed to the support of public schools and the public school that he is required to attend is more than two miles from his residence by the shortest distance by road and a public school in an adjoining school section is nearer by the shortest distance by road and the inspector having jurisdiction in such adjoining school section certifies that there is sufficient accommodation for such child, unless transportation is provided to the school that he is required to attend from a point within one-half mile by the shortest distance by road from his residence, the child shall be admitted to the school in the adjoining school section and the board of the school section in which he resides shall pay to the board in the adjoining school section a fee calculated in accordance with subsection 1 of section 100a of *The Schools Administration Act*.

R.S.O. 1960,
c. 361

R.S.O. 1960,
c. 330, s. 6,
subs. 6,
amended

(4) Subsection 6 of the said section 6 is amended by striking out "not in excess of the net cost per pupil per day in the preceding year" in the sixth and seventh lines and inserting in lieu thereof "as provided in subsection 4 of section 100a of *The Schools Administration Act*", so that the subsection shall read as follows:

Admission
of non-
resident
pupils

(6) Where a parent or guardian who resides in a school section wishes to enrol his child in a public school in another school section and does not qualify for

the privilege under subsection 3, 4 or 9, the child may be admitted by the board upon the prepayment monthly by the parent or guardian of a fee as provided in subsection 4 of section 100a of *The Schools Administration Act*. R.S.O. 1960,
c. 361

(5) Subsection 8 of the said section 6 is repealed and the following substituted therefor: R.S.O. 1960,
c. 330, s. 6,
subs. 8,
re-enacted

(8) Subject to subsection 8a, a child who is a ward of a children's aid society shall be admitted, without the payment of a fee, to a school by the board that was supported by the assessment of the residence in which he resided with his parent or guardian in the year in which he became a ward. Admission
of ward of
children's
aid society

(8a) A child who is a ward of a children's aid society and who has been placed for adoption on a probationary basis shall be admitted, without the payment of a fee, to a school by the board that is supported by the assessment of the residence in which the child resides with his adoptive parent upon receipt from the children's aid society of a certificate stating that the child has been so placed for adoption. Where child
placed for
adoption

(6) Subsection 9 of the said section 6 is amended by striking out "not in excess of the net cost per pupil per day in the preceding year" in the eighth and ninth lines and inserting in lieu thereof "as provided in subsection 4 of section 100a of *The Schools Administration Act*", so that the subsection shall read as follows: R.S.O. 1960,
c. 330, s. 6,
subs. 9,
amended

(9) Where a child who is in the custody of a corporation, society or person and who is not qualified for admission under the other provisions of this section resides in a school section and the public school inspector certifies that there is sufficient accommodation in a school in that section for the current school year, the board of such section shall admit the child to such school upon the prepayment monthly by the corporation, society or person of a fee as provided in subsection 4 of section 100a of *The Schools Administration Act*. Idem

R.S.O. 1960,
c. 361

(7) Subsection 12 of the said section 6 is amended by striking out "a fee not in excess of the gross cost per pupil per day for the preceding year" in the third, fourth and fifth lines and inserting in lieu thereof "fees calculated in accordance with subsection 1 of section 100a of *The Schools Administration Act*", so that the subsection shall read as follows: R.S.O. 1960,
c. 330, s. 6,
subs. 12,
amended

Agreement
between
boards

- (12) A public school board may by agreement with another public school board furnish education for the pupils of the other board and for that purpose may charge fees calculated in accordance with subsection 1 of section 100a of *The Schools Administration Act*.

R.S.O. 1960,
c. 361

R.S.O. 1960,
c. 330,
amended

3. *The Public Schools Act* is amended by adding thereto the following section:

Agreement
for pro-
vision of
additional
accommoda-
tion by
board not
pupils of
another
board

6a.—(1) Subject to the approval of the Minister, a board may enter into an agreement with another board providing,

(a) for the construction, furnishing and equipping of one or more additional classrooms by one board to provide accommodation for pupils of the other board;

(b) that the cost of providing such additional accommodation shall be borne and paid by such other board; and

(c) notwithstanding subsection 1 of section 100a of *The Schools Administration Act*, for the calculation and payment of fees in respect of such pupils.

R.S.O. 1960,
c. 361

Debentures
where cost
borne by
board not
providing
accommoda-
tion

- (2) Where under an agreement the board that does not provide the additional accommodation is required to bear and pay the cost thereof, for the purposes of issuing municipal debentures, the additional accommodation shall be deemed to be a permanent improvement of such board.

Term of
agreement

- (3) Every such agreement shall remain in effect for at least the term of the debentures issued in respect thereof unless terminated by the mutual consent of the parties to the agreement.

R.S.O. 1960,
c. 330, s. 12,
amended

4. Section 12 of *The Public Schools Act* is amended by adding thereto the following subsection:

Section
not to be
included in
township
school area

- (3) No rural school section established under this section shall be included in a township school area.

R.S.O. 1960,
c. 330, s. 13
(1964, s. 13
c. 95, s. 3),
subs. 2,
re-enacted

5.—(1) Subsection 2 of section 13 of *The Public Schools Act*, as re-enacted by section 3 of *The Public Schools Amendment Act, 1964*, is repealed and the following substituted therefor:

SECTION 3. Self-explanatory.

SECTION 4. Rural school sections on lands exempt from taxation are not to be included in a township school area.

SECTION 5—Subsection 1. The duties of consultative committees are extended to township school areas as well as county school areas.

Subsections 2 and 3. The amendments provide that a county school area shall be at least as large as the high school district that includes the municipalities or parts thereof to be included in the county school area, and provide for the alteration of a county school area.

Subsection 4. Subsections 11 and 12 are re-enacted to make the provisions re trustees of a county school area consistent with those affecting township school areas. Small rural parts do not qualify as municipalities in township school areas. Similar provisions are now applied to county school areas. Provision is made for electors in such rural parts to vote on school matters.

- (2) The council of a county may direct the committee to investigate and report on the desirability of establishing or enlarging county school areas or of altering township school areas or on any other matters affecting public school education in the county. Duties of committee
R.S.O. 1960, c. 330, s. 13 (1964, c. 95, s. 3), subs. 6, re-enacted
- (2) Subsection 6 of the said section 13 is repealed and the following substituted therefor:
- (6) The council of a county may, by by-law passed before the 1st day of July in any year, establish, as recommended by the consultative committee, the municipalities and parts thereof that form a high school district as a county school area for public school purposes and may include therein any area adjacent thereto within the county. Establishment of county school areas
- (6a) Subject to subsections 6 and 7, the council of a county may, by by-law passed before the 1st day of July in any year, alter a county school area as recommended by the consultative committee. Enlargement of county school areas
- (3) Subsection 8 of the said section 13 is amended by striking out "or 7" in the first line and inserting in lieu thereof "6a or 7", so that the subsection shall read as follows: R.S.O. 1960, c. 330, s. 13 (1964, c. 95, s. 3), subs. 8, amended
- (8) A by-law passed under subsection 6, 6a or 7 comes into force on the 1st day of January after it is approved by the Minister, except that, for the purposes of the election of trustees, it shall be effective on the day it is approved by the Minister. Effective date of by-laws
- (4) Subsections 11 and 12 of the said section 13 are repealed and the following substituted therefor: R.S.O. 1960, c. 330, s. 13 (1964, c. 95, s. 3), subss. 11, 12, re-enacted
- (11) There shall be a board of public school trustees for every county school area, which shall consist of the number of elected trustees provided for boards of education under subsection 1 or 2 of section 55 of *The Secondary Schools and Boards of Education Act*, provided that, Board, composition
R.S.O. 1960, c. 362
- (a) where,
- (i) the number of trustees is fewer than five or more than nine, or
- (ii) a municipality or part thereof in a county school area is entitled under subsection 1 or 2 of such section 55 to one-half or fewer of the trustees of the county school area and the assessment for public school purposes in the

municipality or part as adjusted by the application of the latest equalization factor provided by the Department of Municipal Affairs is more than three-quarters of the total assessment for public school purposes in the county school area as adjusted by the application of the latest equalization factors provided by such Department,

the council of a county may, as recommended by the consultative committee, request the Minister to determine the number of trustees to be elected to the board, the municipality or municipalities to be represented by each trustee, and their terms of office;

- (b) where a part of a township is included in a county school area and the assessment for public school purposes in such part is less than 10 per cent of the total assessment for public school purposes in the township, such part shall not be deemed a municipality for the purposes of subsection 1 or 2 of such section 55.

Election of
trustees

- (12) Such trustees shall be elected in the manner provided for the election of members of a board of education under section 56 of *The Secondary Schools and Boards of Education Act*, which section, except subsection 2, applies *mutatis mutandis*.

Voters
list

- (12a) Where a county school area includes part of a township that is not deemed a municipality for the purposes of subsection 1 or 2 of section 55 of *The Secondary Schools and Boards of Education Act*, the clerk of the township that includes such part shall furnish to the clerk of the township in which the county school area is formed, or, where the county school area includes all of two or more townships, to the clerk of the township having the greatest equalized assessment, a certified copy of the list of voters qualified to vote on school matters in such part of the township.

Parts not
rated for
trustee,
attached to
township
for voting
purposes

- (12b) Each part of a township that is included in a county school area but that is not deemed a municipality for the purposes of subsection 1 or 2 of section 55 of *The Secondary Schools and Boards of Education Act* shall, for the purposes of the election of trustees and of voting on school matters, be attached, by resolu-

Subsection 5. The amendment provides for the use of the names of local municipalities in the name of the board of a county school area.

Subsection 6. Subsection 16 provides for the apportionment of the annual requisition in county school areas.

Subsection 7. This subsection provides that the assessors of the municipalities shall make the apportionment until the 1st day of January, 1966, and thereafter the treasurers will make the apportionment. This is to bring the provisions re county school areas in line with the provisions of the township school areas, as amended elsewhere in this Bill.

SECTION 6. Subsection 17 provides for the apportionment of the annual requisition in district school areas.

tion, by the public school consultative committee of the county in which the county school area or the part of the county school area having the greatest assessment is located, to a township all or part of which is in the county school area.

(5) Subsection 13 of the said section 13 is amended by adding at the end thereof "or, if designated in the by-law establishing or altering the county school area and approved by the Minister, 'The Public School Board of (*insert names of municipalities chiefly concerned*)' ", so that the subsection shall read as follows:

R.S.O. 1960,
c. 330, s. 13
(1964,
c. 95, s. 3),
subs. 13,
amended

(13) A board of a county school area is a corporation by the name of "The Public School Board of (*insert name of county*) County School Area Number (*insert number in order of formation*)" or, if designated in the by-law establishing or altering the county school area and approved by the Minister, "The Public School Board of (*insert names of municipalities chiefly concerned*)".

Name of
board

(6) The said section 13 is amended by adding thereto the following subsection:

R.S.O. 1960,
c. 330, s. 13
(1964,
c. 95, s. 3),
amended

(16) In the year in which a county school area is formed or altered and thereafter, the annual requisition of the board for school purposes shall be apportioned in accordance with section 55, which section applies *mutatis mutandis*, except that,

Apportion-
ment of
annual
requisition

(a) the meeting of treasurers shall be called by the treasurer of the municipality having the greatest assessment for public school purposes within the county school area according to the last revised assessment rolls; and

(b) if the treasurers do not reach a decision on or before the 1st day of December, the inspector of the county school area and the treasurers shall be the arbitrators to determine the matter.

(7) Any reference to treasurer or treasurers in subsection 16 of section 13 of *The Public Schools Act*, as enacted by subsection 6, shall, until the 1st day of January, 1966, be deemed to be a reference to assessor or assessors, as the case may be.

Apportion-
ment by
assessors
until
Jan. 1,
1966

6. Section 14 of *The Public Schools Act*, as re-enacted by section 3 of *The Public Schools Amendment Act, 1964*, is amended by adding thereto the following subsection:

R.S.O. 1960,
c. 330, s. 14
(1964,
c. 95, s. 3),
amended

Apportion-
ment of
annual
requisition

- (17) In the year in which a district school area is formed or altered and thereafter, the annual requisition of the board for school purposes shall be apportioned in accordance with section 55, which section applies *mutatis mutandis*, except that,

- (a) the meeting of treasurers shall be called by the treasurer of the municipality having the greatest assessment for public school purposes within the district school area according to the last revised assessment rolls; and
- (b) if the treasurers do not reach a decision on or before the 1st day of December, the inspector of the district school area and the treasurers shall be the arbitrators to determine the matter.

R.S.O. 1960,
c. 330, s. 18
(1961-62,
c. 120, s. 2),
subs. 4,
cls. a-c,
re-enacted

7. Clauses *a*, *b* and *c* of subsection 4 of section 18 of *The Public Schools Act*, as re-enacted by section 2 of *The Public Schools Amendment Act, 1961-62* and amended by section 4 of *The Public Schools Amendment Act, 1964*, are repealed and the following substituted therefor:

- (a) who is,
 - (i) a member of any other elementary or secondary school board, or
 - (ii) a member of the council of a municipality or county in which all or part of the school section is situate, or
 - (iii) an elected member of a local board of a municipality or county in which all or part of the school section is situate,

unless before the opening of the nomination meeting he has filed his resignation with the secretary of the other school board or with the clerk of the municipality or county, as the case may be;

- (b) who is the clerk or treasurer of a municipality or county in which all or part of the school section is situate;
- (c) who is the husband or wife of a trustee of the same board.

R.S.O. 1960,
c. 330, s. 21,
subs. 11
(1964,
c. 95, s. 5),
amended

8. Subsection 11 of section 21 of *The Public Schools Act*, as enacted by section 5 of *The Public Schools Amendment Act, 1964*, is amended by inserting after "shall" in the fifth line "give a casting vote or", so that the subsection shall read as follows:

SECTION 7. Clauses *a* and *b* are re-enacted to permit trustees to be appointed to local boards. Clause *c* is re-enacted to make it clear that a person is disqualified to be elected to a board if his wife or her husband is a trustee of the same board.

SECTION 8. The amendment is to make the provision uniform with similar provisions elsewhere in the Act.

SECTION 9. The provisions are amended to refer to "municipal census" instead of "assessment roll" for the purpose of determining population.

SECTION 10. The amendments provide,

- (1) for the secretary of a board giving a casting vote where two or more candidates have an equal number of votes following a recount by a judge;
- (2) that, where there is a tie vote upon the casting up of votes, the clerk is required to refer the matter to the judge, and thereupon the judge has all the powers under subsection 2 of section 38 as if the reference were a complaint under subsection 1.

- (11) When, at a regular annual meeting or at a special ^{When tie vote} meeting called to fill a vacancy or vacancies, two or more candidates for the office of trustee receive an equal number of votes, the chairman of the meeting shall give a casting vote or provide for the drawing of lots to determine which of the candidates is elected.

9.—(1) Subsection 2 of section 29 of *The Public Schools Act* is amended by striking out "on the assessment roll" in ^{R.S.O. 1960, c. 330, s. 29, subs. 2, amended} the second and third lines and inserting in lieu thereof "by the municipal census", so that the subsection, exclusive of the clauses, shall read as follows:

- (2) The number of trustees on the board shall be determined by the population of the municipality as shown by the municipal census for the year preceding the year in which the election is held as follows, where the population was, ^{Number of trustees on board}

(2) Subsection 3 of the said section 29, as re-enacted by section 3 of *The Public Schools Amendment Act, 1960-61*, is ^{R.S.O. 1960, c. 330, s. 29, subs. 3 (1960-61), amended} amended by striking out "assessment roll" in the first line and inserting in lieu thereof "census", so that the subsection shall read as follows:

- (3) Where it becomes evident from the census of a municipality that the number of trustees on a school board should be increased or decreased, at the next election of trustees the proper number of trustees shall be elected, and the trustees then in office shall continue in office until the new board is organized. ^{Change in number of trustees}

10.—(1) Subsection 2 of section 37 of *The Public Schools Act* is amended by striking out "and if the judge determines that no person was duly elected he shall order a new election to be held" in the sixth, seventh and eighth lines and inserting in lieu thereof "and, where a recount results in two or more candidates having an equal number of votes, the judge shall certify the result to the secretary of the board", so that the subsection shall read as follows: ^{R.S.O. 1960, c. 330, s. 37, subs. 2, amended}

- (2) The judge may confirm the election or set it aside, ^{Powers of judge} or declare that some other candidate was duly elected, or may order a new election, and may order the person found by him not to have been elected to be removed, and, if the judge determines that any other person was duly elected, he may order such person to be admitted, and, where a recount results in two or more candidates having an equal number of

votes, the judge shall certify the result to the secretary of the board, and he shall in all cases report his decision to the secretary of the board.

R.S.O. 1960,
c. 330, s. 37,
amended

(2) The said section 37 is amended by adding thereto the following subsections:

Where
recount
necessary
because of
tie vote

(4) If, upon the casting up of the votes, two or more candidates have an equal number of votes where both or all of such candidates cannot be elected, the clerk of the municipality shall publicly declare the result and put up in a conspicuous place a statement under his hand showing the number of votes for each candidate, and shall forthwith notify the judge of the county or district court of the result, and such notification shall be deemed to be a complaint under subsection 1.

When
secretary
to give
casting
vote

(5) Upon the result of a recount being certified to him showing that two or more candidates have an equal number of votes, the secretary shall forthwith after receiving the certificate give a casting vote for one or more of the candidates or provide for the drawing of lots to decide the election.

Where
sufficient
number of
candidates
not declared
elected to
organize
newly-
created
board

(6) Where a secretary has not been appointed because a new board has been created but cannot be organized because of an equality of votes of two or more candidates, the clerk of the municipality or, where there is more than one municipality in the school section, the clerk of the municipality having the greatest assessment shall be deemed to be the secretary for the purposes of subsections 2 and 5.

R.S.O. 1960,
c. 330, s. 40
(1964,
c. 95, s. 6),
subss. 4-7,
re-enacted

11.—(1) Subsections 4, 5, 6 and 7 of section 40 of *The Public Schools Act*, as re-enacted by section 6 of *The Public Schools Amendment Act, 1964*, are repealed and the following substituted therefor:

Alteration
of areas

(4) The council of a county may, by a by-law passed before the 1st day of July in any year,

(a) add all or any part of a township school area to another township school area; or

(b) add all of an urban school section, except a city or separated town, or all or any part of a union school section, except a city or separated town, to a township school area,

as recommended by the consultative committee, provided that the number of resident public school pupils of any board is not reduced to fewer than 120.

SECTION 11—Subsection 1. The amendments provide for the alteration of township school areas.

Subsection 2. The provision repealed authorizes the Minister to form two areas in a township. Where a part of a township school area or parts of two or more township school areas are incorporated after January 1, 1965, the new subsection 11 provides for the inclusion of the newly-incorporated municipality in a township school area.

- (5) Where the average daily attendance of pupils of the public schools under the jurisdiction of a board is less than 100 in any year, the inspector shall notify the clerk of the county and the secretary of the board affected, and the council of the county shall, by by-law passed before the 1st day of July following notice from the inspector, attach the school section in which the board has jurisdiction to an adjoining school section. Where attendance is less than 100 in any year
- (6) Where the council of a county enlarges a township school area to include all of two or more townships, notwithstanding subsection 4 of section 40c, the by-law may designate the name of the board of the township school area. Name, where two or more whole townships
- (6a) In the territorial districts, the council of a township that forms all or part of a township school area may, by a by-law passed before the 1st day of July in any year, Alteration of areas in territorial districts
- (a) add all or part of a school section in territory without municipal organization to the township school area; or
 - (b) add all of an urban school section, except a city, or all or any part of a union school section, except a city, to the township school area; or
 - (c) detach any portion of the township school area and attach such portion to another township school area or to a union school section,
- if approval thereto has been given by a resolution passed before the 1st day of September of that year, in the case of a school section in territory without municipal organization, by the board of the school section and, in other cases, by the councils of the other municipalities concerned.
- (7) A by-law passed under subsection 4, 5 or 6a comes into force on the 1st day of January after it is approved by the Minister, except that, for the purposes of the election of trustees, it shall be effective on the day it is approved by the Minister. Effective date of by-law
- (2) Subsection 11 of the said section 40 is repealed and the following substituted therefor: R.S.O. 1960, c. 330, s. 40 (1964, c. 95, s. 6), subs. 11, re-enacted
- (11) Where, Newly-incorporated municipalities
- (a) a part of a township school area is incorporated as a municipality on or after the 1st

day of January, 1965, the municipality so incorporated shall continue to form part of the township school area; or

- (b) parts of two or more township school areas are incorporated as a municipality on or after the 1st day of January, 1965, the municipality so incorporated shall form part of the township school area that surrounds it or with which it has the greatest length of common boundary.

R.S.O. 1960,
c. 330, s. 40a
(1964,
c. 95, s. 6),
subs. 4,
amended

12. Subsection 4 of section 40a of *The Public Schools Act*, as enacted by section 6 of *The Public Schools Amendment Act, 1964*, is amended by adding "and" at the end of clause b, by striking out "and" at the end of clause c and by striking out clause d.

R.S.O. 1960,
c. 330, s. 40b
(1964,
c. 95, s. 6),
subs. 1,
amended

13.—(1) Subsection 1 of section 40b of *The Public Schools Act*, as enacted by section 6 of *The Public Schools Amendment Act, 1964*, is amended by striking out "subsections 1 to 3" in the fourth line and inserting in lieu thereof "subsection 1 or 2".

R.S.O. 1960,
c. 330, s. 40b
(1964,
c. 95, s. 6),
subs. 1,
cl. c,
re-enacted

(2) Clause c of subsection 1 of the said section 40b is repealed and the following substituted therefor:

- (c) where a part of a township is included in a township school area and the assessment for public school purposes in such part is less than 10 per cent of the total assessment for public school purposes in the township, such part shall not be deemed a municipality for the purposes of subsection 1 or 2 of section 55 of *The Secondary Schools and Boards of Education Act*.

R.S.O. 1960,
c. 362

R.S.O. 1960,
c. 330, s. 40c
(1964,
c. 95, s. 6),
subs. 4,
amended

14.—(1) Subsection 4 of section 40c of *The Public Schools Act*, as enacted by section 6 of *The Public Schools Amendment Act, 1964*, is amended by striking out "(insert name of municipality)" in the third and fourth lines and inserting in lieu thereof "(insert name of municipality or, where more than one municipality is included in the area, insert name selected by the board and approved by the Minister)", so that the subsection shall read as follows:

Incorporation

- (4) Every board of trustees of a township school area is a corporation by the name of "The Public School Board of the Township School Area of (insert name of municipality or, where more than one municipality is included in the area, insert name selected by the board and approved by the Minister)".

SECTION 12. The provisions of clause *d* are now dealt with elsewhere in the section and are, therefore, deleted.

SECTION 13—Subsection 1. The amendment is to correct a reference.

Subsection 2. Clause *c* is re-enacted to provide that a part of a township assessed for less than 10 per cent of the total assessment for public school purposes in the township is not rated for the purposes of representation on the board of trustees of a township school area.

SECTION 14—Subsection 1. The amendment provides for the name of a board in cases where the township school area includes more than one municipality.

Subsection 2. The amendment provides for the election of trustees by electors in parts of a township school area that are not rated as municipalities for the purposes of representation on the board of trustees.

SECTION 15. See note to section 17 of this Bill.

SECTION 16. At present, a union school section may be formed in the territorial districts consisting of any combination of organized townships, towns, villages and territory without municipal organization. The amendments will restrict the formation and alteration as provided in subsection 18.

(2) The said section 40c is amended by adding thereto the following subsection:

R.S.O. 1960,
c. 330, s. 40c
(1964,
c. 95, s. 6),
amended

- (10) Each part of a township that is included in a township school area but that is not deemed a municipality for the purposes of subsection 1 or 2 of section 55 of *The Secondary Schools and Boards of Education Act* shall, for the purposes of the election of trustees and of voting on school matters, be attached to the township in which the township school area is formed or, where the township school area includes all of two or more townships, it shall be attached for such purposes, by resolution, by the public school consultative committee of the county in which the township school area or the part of the township school area having the greatest assessment is located, to a township all or part of which is in the township school area.

Parts not
rated for
trustee,
attached to
township for
voting
purposes
R.S.O. 1960,
c. 362

15.—(1) Subsection 1 of section 43 of *The Public Schools Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 330, s. 43,
subs. 1,
re-enacted

- (1) Where a township school area consists of more than one municipality or parts thereof, section 55 applies *mutatis mutandis*, except that the meeting of the treasurers shall be called by the treasurer of the municipality having the greatest assessment for public school purposes within the township school area according to the last revised assessment rolls.

Treasurers
to determine
proportion

(2) Subsection 2 of the said section 43 is amended by striking out "assessors" in the first line and in the second line and inserting in lieu thereof in each instance "treasurers", so that the subsection shall read as follows:

R.S.O. 1960,
c. 330, s. 43,
subs. 2,
amended

- (2) Where the treasurers disagree, the inspector of the township school area and the treasurers shall be arbitrators to determine the matter.

Arbitration
where
treasurers
disagree

16.—(1) Section 45 of *The Public Schools Act*, as amended by section 12 of *The Public Schools Amendment Act, 1961-62*, section 7 of *The Public Schools Amendment Act, 1962-63* and section 7 of *The Public Schools Amendment Act, 1964*, is further amended by adding thereto the following subsection:

R.S.O. 1960,
c. 330, s. 45,
amended

- (18) Where in any year a town or village in a territorial district had in the preceding year a population of 1,000 or more and the average daily attendance of the public school pupils residing in the town or village was 100 or more in the preceding year, a union school section consisting of the town or village and all or part of one or more organized townships may be formed or altered under this section.

Formation
in territorial
district

R.S.O. 1960,
c. 330, s. 45,
subs. 19,
cl. a,
repealed

(2) Clause *a* of subsection 19 of the said section 45, as amended by section 7 of *The Public Schools Amendment Act, 1962-63*, is repealed.

R.S.O. 1960,
c. 330, s. 45,
subs. 19,
cl. b,
amended

(3) Clause *b* of subsection 19 of the said section 45 is amended by striking out "such" in the second line, so that the clause shall read as follows:

petition

(b) for the purpose of the formation, alteration or dissolution of a union school section, the petition of the ratepayers for the part of the union school section not included in an urban municipality or organized township shall be presented to the inspector.

R.S.O. 1960,
c. 330, s. 55,
subs. 1
(1960-61,
c. 82, s. 5,
subs. 1), 2, 3,
re-enacted;
subs. 4,
repealed

17.—(1) Subsection 1, as re-enacted by subsection 1 of section 5 of *The Public Schools Amendment Act, 1960-61*, and subsections 2, 3 and 4 of section 55 of *The Public Schools Act* are repealed and the following substituted therefor:

Maintenance
of union
school
section,
apportion-
ment
of costs

(1) Except in the case of union school sections established under section 46,

(a) where the amount of the assessment for public school purposes of the part of the union school section situate in one municipality has increased or decreased by at least 10 per cent of the amount of its assessment at the date of the last apportionment; or

(b) where, since the last apportionment, the sum of the percentage increase of the assessment for public school purposes in the part of the union school section in one municipality and of the percentage decrease of the assessment for public school purposes in the part of the union school section in any other municipality is at least 10,

and in any case,

(c) in each year that is divisible evenly by 5,

the treasurers of the municipalities in which such a union school section is situate shall, before the 1st day of December, meet and determine what portion of the annual requisition made by the board for school purposes shall be levied, commencing in the following year, upon and collected from the taxable property of the public school supporters of the union school section situate in each of the municipalities

SECTION 17. At present, the assessors of the municipalities in a union school section or township school area meet to determine the apportionment of costs. Where a county assessment commissioner has been appointed, he acts as assessor for all municipalities and would, therefore, act as a sole arbitrator to determine the apportionment. The provisions are, therefore, amended to provide that the treasurers of the municipalities shall meet to determine the apportionment.

SECTION 18—Subsection 1. Subsection 3 is re-enacted to provide that, where land in territory without municipal organization is transferred by the inspector from one school section to another, the inspector may require the board of the school section to which the land is transferred to pay a portion of the debenture debt of the section from which the land was transferred.

in which the section lies, provided that, upon the recommendation of at least one-half of the treasurers and with the approval of the Minister, an apportionment may be made in any year.

- (2) Where the assessment of a union school section is materially altered by reason of any land therein becoming exempt from taxation for public school purposes, the treasurers at their next meeting shall revise the apportionment. Assessment altered by exemptions
- (3) The meeting of the treasurers shall be called by the treasurer of the municipality in which the school-house is situate. Meeting of treasurers
- (2) Subsections 6 and 7 of the said section 55 are repealed and the following substituted therefor: R.S.O. 1960, c. 330, s. 55, subss. 6, 7, re-enacted
- (6) If the treasurers do not reach a decision on or before the 1st day of December, the inspector, in whose inspectorate the school of the union school section is situate, and the treasurers shall be arbitrators and shall determine the matter and report to the secretary of the board and to the clerk of each municipality on or before the 31st day of December. Arbitration where treasurers do not reach a decision
- (7) Where the union school section is composed of parts of two adjoining counties and the treasurers do not reach a decision on or before the 1st day of December, the inspector of the township in which the school of the union school section is situate shall act with the treasurers as arbitrators. Where union school section in two counties
- (3) Subsections 9 and 10 of the said section 55 are repealed and the following substituted therefor: R.S.O. 1960, c. 330, s. 55, subss. 9, 10, re-enacted
- (9) The treasurers or, in the case of an arbitration, the arbitrators, on the request in writing of the inspector or of five ratepayers, may, within one month after the report of the determination or award to the secretary of the board, correct any omission or error in the terms in which the determination or award is expressed. Reconsideration of award
- (10) The cost of proceedings under this section, including the fees of treasurers and arbitrators, shall be paid by the municipalities in accordance with the apportionment under subsection 1. Costs

18.—(1) Subsection 3 of section 56 of *The Public Schools Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 330, s. 56, subs. 3, re-enacted

Liability for
debenture
debt where
land trans-
ferred from
one section
to another

- (3) On the petition of the head of a family who has a child attending school and who lives in one school section on land contiguous to another school section, the inspector, if he is of the opinion that it is more convenient for the child to attend the school in the other section, may alter the boundaries of the sections so as to transfer such land from one section to the other, and, where there is a debenture debt for public school purposes in the section from which the land is transferred, the inspector may require the board of the school section to which the property was attached to pay such portion of the interest and principal of the debenture debt as is determined by the inspector.

R.S.O. 1960,
c. 330, s. 56,
subs. 5,
re-enacted

- (2) Subsection 5 of the said section 56 is repealed and the following substituted therefor:

Election
of school
trustees

- (5) After the formation of a school section, the inspector shall cause notices to be posted, for at least six clear days in not fewer than three public places in the section, appointing a time and place for the first meeting of property owners and tenants, who are not separate school supporters, for the election of three trustees for the section, and the inspector may take such additional action to publicize the meeting as he deems expedient.

R.S.O. 1960,
c. 330, s. 66,
repealed

- 19.** Section 66 of *The Public Schools Act* is repealed.

R.S.O. 1960,
c. 330, s. 74,
subs. 1,
cl. b,
re-enacted

- 20.** Clause *b* of subsection 1 of section 74 of *The Public Schools Act* is repealed and the following substituted therefor:

submit
estimates

- (b) prepare and submit to the council of each municipality, all or part of which is included in the school section in which the board has jurisdiction, on or before such time as the council may prescribe, estimates of all sums required during the year for the purposes of the board, and such estimates,
- (i) shall set forth the estimated revenues and expenditures of the board,
 - (ii) shall make due allowance for a surplus of any previous year that will be available during the current year,
 - (iii) shall provide for a deficit of any previous year,

Subsection 2. The subsection is re-enacted to require the inspector, instead of two ratepayers, to call the first meeting after the formation of a school section in territory without municipal organization.

SECTION 19. Section 66 authorizes public school boards to require councils to raise money for permanent improvements by one special rate. This provision is now contained in clause *b* of subsection 1 of section 74, which authorizes a board to include in its estimates a provision for expenditures for permanent improvements out of current funds but limited in respect of the acquisition of sites and the erection and improvement of buildings to an amount not exceeding two mills upon the assessment for public school purposes.

SECTION 20. The provisions respecting estimates of a school board are revised to make them uniform for all public and secondary school boards. Subclause *v* is new.

- (iv) may provide for expenditures for permanent improvements, provided that the total of expenditures for permanent improvements referred to in subparagraphs i, ii, iii, v and vii of paragraph 25 of subsection 2 of section 1 of *The Schools Administration Act* shall not exceed a sum calculated at two mills in the dollar upon the total assessment of the taxable property of public school supporters in the school section according to the last revised assessment roll, and for further expenditures if such further expenditures are approved in the manner provided for approving debentures for permanent improvements, R.S.O. 1960,
c. 361
- (v) may provide for a reserve for working funds of a sum not in excess of 5 per cent of the expenditures of the board for the preceding year, but, where the sum accumulated in the reserve is equal to or is more than 20 per cent of such expenditures, no further sum shall be provided.

21.—(1) This Act, except sections 1, 2, 6, 15, 17, 19 and 20, comes into force on the day it receives Royal Assent. Commence-
ment

(2) Sections 1, 2, 6, 15, 17, 19 and 20 come into force on the 1st day of January, 1966. Idem

22. This Act may be cited as *The Public Schools Amendment Act, 1965*. Short title

An Act to amend The Public Schools Act

1st Reading

March 31st, 1965

2nd Reading

April 13th, 1965

3rd Reading

MR. DAVIS

*(Reprinted as amended by the Committee
of the Whole House)*

BILL 88

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Public Schools Act

MR. DAVIS

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An Act to amend The Public Schools Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 6 of section 5 of *The Public Schools Act* is amended by striking out "not in excess of the net cost per pupil per day in the preceding year" in the first and second lines and inserting in lieu thereof "as provided in subsection 4 of section 100a of *The Schools Administration Act*", so that the subsection shall read as follows:

R.S.O. 1960,
c. 330, s. 5,
subs. 6,
amended

(6) The board may charge a fee, as provided in subsection 4 of section 100a of *The Schools Administration Act*, to be prepaid monthly by the parent or guardian for attendance in kindergarten or junior kindergarten of pupils who have not attained the age stated in subsection 1.

Kinder-
garten fees
R.S.O. 1960,
c. 361

2.—(1) Subsection 1 of section 6 of *The Public Schools Act*, as amended by section 1 of *The Public Schools Amendment Act, 1960-61*, is repealed.

R.S.O. 1960,
c. 330, s. 6,
subs. 1,
repealed

(2) Subsection 4 of the said section 6 is amended by striking out "not in excess of the net cost per pupil per day in the preceding year" in the tenth and eleventh lines and inserting in lieu thereof "as provided in subsection 4 of section 100a of *The Schools Administration Act*", so that the subsection shall read as follows:

R.S.O. 1960,
c. 330, s. 6,
subs. 4,
amended

(4) Subject to section 5, a child,

(a) who resides with his parent or guardian in a residence that is assessed to the support of public schools; and

Admission
of resident
pupil to
another
school by
reason of
distance to
school

(b) who may be excused from attendance at the school because of distance, as provided in *The Schools Administration Act* and as certified by the inspector,

R.S.O. 1960,
c. 361

may be admitted to another public school whose inspector certifies that there is sufficient accommodation for him, upon the prepayment monthly by the parent or guardian of a fee as provided in subsection 4 of section 100a of *The Schools Administration Act*, and the board of the section in which he resides shall refund to the parent or guardian the amount of taxes paid by him in the current year for the support of public schools up to but not exceeding the amount of fees paid for the current year.

R.S.O. 1960,
c. 330, s. 6,
subs. 5
(1964,
c. 95, s. 1).
amended

(3) Subsection 5 of the said section 6, as re-enacted by section 1 of *The Public Schools Amendment Act, 1964*, is amended by striking out "not in excess of the gross cost per pupil per day in the preceding year of the board in the adjoining school section" in the seventeenth, eighteenth and nineteenth lines and inserting in lieu thereof "calculated in accordance with subsection 1 of section 100a of *The Schools Administration Act*", so that the subsection shall read as follows:

Resident
pupil's
right to
attend more
accessible
school in
adjoining
school
section

(5) Subject to section 5, where a child resides with his parent or guardian in a residence that is assessed to the support of public schools and the public school that he is required to attend is more than two miles from his residence by the shortest distance by road and a public school in an adjoining school section is nearer by the shortest distance by road and the inspector having jurisdiction in such adjoining school section certifies that there is sufficient accommodation for such child, unless transportation is provided to the school that he is required to attend from a point within one-half mile by the shortest distance by road from his residence, the child shall be admitted to the school in the adjoining school section and the board of the school section in which he resides shall pay to the board in the adjoining school section a fee calculated in accordance with subsection 1 of section 100a of *The Schools Administration Act*.

R.S.O. 1960,
c. 361

R.S.O. 1960,
c. 330, s. 6,
subs. 6,
amended

(4) Subsection 6 of the said section 6 is amended by striking out "not in excess of the net cost per pupil per day in the preceding year" in the sixth and seventh lines and inserting in lieu thereof "as provided in subsection 4 of section 100a of *The Schools Administration Act*", so that the subsection shall read as follows:

Admission
of non-
resident
pupils

(6) Where a parent or guardian who resides in a school section wishes to enrol his child in a public school in another school section and does not qualify for

the privilege under subsection 3, 4 or 9, the child may be admitted by the board upon the prepayment monthly by the parent or guardian of a fee as provided in subsection 4 of section 100a of *The Schools Administration Act*. R.S.O. 1960,
c. 361

(5) Subsection 8 of the said section 6 is repealed and the following substituted therefor: R.S.O. 1960,
c. 330, s. 6,
subs. 8,
re-enacted

(8) Subject to subsection 8a, a child who is a ward of a children's aid society shall be admitted, without the payment of a fee, to a school by the board that was supported by the assessment of the residence in which he resided with his parent or guardian in the year in which he became a ward. Admission
of ward of
children's
aid society

(8a) A child who is a ward of a children's aid society and who has been placed for adoption on a probationary basis shall be admitted, without the payment of a fee, to a school by the board that is supported by the assessment of the residence in which the child resides with his adoptive parent upon receipt from the children's aid society of a certificate stating that the child has been so placed for adoption. Where child
placed for
adoption

(6) Subsection 9 of the said section 6 is amended by striking out "not in excess of the net cost per pupil per day in the preceding year" in the eighth and ninth lines and inserting in lieu thereof "as provided in subsection 4 of section 100a of *The Schools Administration Act*", so that the subsection shall read as follows: R.S.O. 1960,
c. 330, s. 6,
subs. 9,
amended

(9) Where a child who is in the custody of a corporation, society or person and who is not qualified for admission under the other provisions of this section resides in a school section and the public school inspector certifies that there is sufficient accommodation in a school in that section for the current school year, the board of such section shall admit the child to such school upon the prepayment monthly by the corporation, society or person of a fee as provided in subsection 4 of section 100a of *The Schools Administration Act*. Idem

R.S.O. 1960,
c. 361

(7) Subsection 12 of the said section 6 is amended by striking out "a fee not in excess of the gross cost per pupil per day for the preceding year" in the third, fourth and fifth lines and inserting in lieu thereof "fees calculated in accordance with subsection 1 of section 100a of *The Schools Administration Act*", so that the subsection shall read as follows: R.S.O. 1960,
c. 330, s. 6,
subs. 12,
amended

Agreement
between
boards

- (12) A public school board may by agreement with another public school board furnish education for the pupils of the other board and for that purpose may charge fees calculated in accordance with subsection 1 of section 100a of *The Schools Administration Act*.

R.S.O. 1960,
c. 361

R.S.O. 1960,
c. 330,
amended

3. *The Public Schools Act* is amended by adding thereto the following section:

Agreement
for pro-
vision of
additional
accommoda-
tion by
board for
pupils of
another
board

6a.—(1) Subject to the approval of the Minister, a board may enter into an agreement with another board providing,

(a) for the construction, furnishing and equipping of one or more additional classrooms by one board to provide accommodation for pupils of the other board;

(b) that the cost of providing such additional accommodation shall be borne and paid by such other board; and

(c) notwithstanding subsection 1 of section 100a of *The Schools Administration Act*, for the calculation and payment of fees in respect of such pupils.

R.S.O. 1960,
c. 361

Debentures
where cost
borne by
board not
providing
accommoda-
tion

- (2) Where under an agreement the board that does not provide the additional accommodation is required to bear and pay the cost thereof, for the purposes of issuing municipal debentures, the additional accommodation shall be deemed to be a permanent improvement of such board.

Term of
agreement

- (3) Every such agreement shall remain in effect for at least the term of the debentures issued in respect thereof unless terminated by the mutual consent of the parties to the agreement.

R.S.O. 1960,
c. 330, s. 12,
amended

4. Section 12 of *The Public Schools Act* is amended by adding thereto the following subsection:

Section
not to be
included in
township
school area

- (3) No rural school section established under this section shall be included in a township school area.

R.S.O. 1960,
c. 330, s. 13
(1964,
c. 95, s. 3),
subs. 2,
re-enacted

5.—(1) Subsection 2 of section 13 of *The Public Schools Act*, as re-enacted by section 3 of *The Public Schools Amendment Act, 1964*, is repealed and the following substituted therefor:

- (2) The council of a county may direct the committee to investigate and report on the desirability of establishing or enlarging county school areas or of altering township school areas or on any other matters affecting public school education in the county. Duties of committee
R.S.O. 1960, c. 330, s. 13 (1964, c. 95, s. 3), subs. 6, re-enacted
- (2) Subsection 6 of the said section 13 is repealed and the following substituted therefor:
- (6) The council of a county may, by by-law passed before the 1st day of July in any year, establish, as recommended by the consultative committee, the municipalities and parts thereof that form a high school district as a county school area for public school purposes and may include therein any area adjacent thereto within the county. Establishment of county school areas
- (6a) Subject to subsections 6 and 7, the council of a county may, by by-law passed before the 1st day of July in any year, alter a county school area as recommended by the consultative committee. Enlargement of county school areas
- (3) Subsection 8 of the said section 13 is amended by striking out "or 7" in the first line and inserting in lieu thereof "6a or 7", so that the subsection shall read as follows: R.S.O. 1960, c. 330, s. 13 (1964, c. 95, s. 3) subs. 8, amended
- (8) A by-law passed under subsection 6, 6a or 7 comes into force on the 1st day of January after it is approved by the Minister, except that, for the purposes of the election of trustees, it shall be effective on the day it is approved by the Minister. Effective date of by-laws
- (4) Subsections 11 and 12 of the said section 13 are repealed and the following substituted therefor: R.S.O. 1960, c. 330, s. 13 (1964, c. 95, s. 3), subs. 11, 12, re-enacted
- (11) There shall be a board of public school trustees for every county school area, which shall consist of the number of elected trustees provided for boards of education under subsection 1 or 2 of section 55 of *The Secondary Schools and Boards of Education Act*, provided that, Board composition
R.S.O. 1960, c. 362
- (a) where,
- (i) the number of trustees is fewer than five or more than nine, or
 - (ii) a municipality or part thereof in a county school area is entitled under subsection 1 or 2 of such section 55 to one-half or fewer of the trustees of the county school area and the assessment for public school purposes in the

municipality or part as adjusted by the application of the latest equalization factor provided by the Department of Municipal Affairs is more than three-quarters of the total assessment for public school purposes in the county school area as adjusted by the application of the latest equalization factors provided by such Department,

the council of a county may, as recommended by the consultative committee, request the Minister to determine the number of trustees to be elected to the board, the municipality or municipalities to be represented by each trustee, and their terms of office;

- (b) where a part of a township is included in a county school area and the assessment for public school purposes in such part is less than 10 per cent of the total assessment for public school purposes in the township, such part shall not be deemed a municipality for the purposes of subsection 1 or 2 of such section 55.

Election of
trustees

- (12) Such trustees shall be elected in the manner provided for the election of members of a board of education under section 56 of *The Secondary Schools and Boards of Education Act*, which section, except subsection 2, applies *mutatis mutandis*.

Voters
list

- (12a) Where a county school area includes part of a township that is not deemed a municipality for the purposes of subsection 1 or 2 of section 55 of *The Secondary Schools and Boards of Education Act*, the clerk of the township that includes such part shall furnish to the clerk of the township in which the county school area is formed, or, where the county school area includes all of two or more townships, to the clerk of the township having the greatest equalized assessment, a certified copy of the list of voters qualified to vote on school matters in such part of the township.

Parts not
rated for
trustee.
attached to
township
for voting
purposes

- (12b) Each part of a township that is included in a county school area but that is not deemed a municipality for the purposes of subsection 1 or 2 of section 55 of *The Secondary Schools and Boards of Education Act* shall, for the purposes of the election of trustees and of voting on school matters, be attached, by resolu-

tion, by the public school consultative committee of the county in which the county school area or the part of the county school area having the greatest assessment is located, to a township all or part of which is in the county school area.

(5) Subsection 13 of the said section 13 is amended by adding at the end thereof "or, if designated in the by-law establishing or altering the county school area and approved by the Minister, 'The Public School Board of (*insert names of municipalities chiefly concerned*)' ", so that the subsection shall read as follows:

R.S.O. 1960,
c. 330, s. 13
(1964,
c. 95, s. 3),
subs. 13,
amended

(13) A board of a county school area is a corporation by the name of "The Public School Board of (*insert name of county*) County School Area Number (*insert number in order of formation*)" or, if designated in the by-law establishing or altering the county school area and approved by the Minister, "The Public School Board of (*insert names of municipalities chiefly concerned*)".

Name of
board

(6) The said section 13 is amended by adding thereto the following subsection:

R.S.O. 1960,
c. 330, s. 13
(1964,
c. 95, s. 3),
amended

(16) In the year in which a county school area is formed or altered and thereafter, the annual requisition of the board for school purposes shall be apportioned in accordance with section 55, which section applies *mutatis mutandis*, except that,

Apportion-
ment of
annual
requisition

(a) the meeting of treasurers shall be called by the treasurer of the municipality having the greatest assessment for public school purposes within the county school area according to the last revised assessment rolls; and

(b) if the treasurers do not reach a decision on or before the 1st day of December, the inspector of the county school area and the treasurers shall be the arbitrators to determine the matter.

(7) Any reference to treasurer or treasurers in subsection 16 of section 13 of *The Public Schools Act*, as enacted by subsection 6, shall, until the 1st day of January, 1966, be deemed to be a reference to assessor or assessors, as the case may be.

Apportion-
ment by
assessors
until
Jan. 1,
1966

6. Section 14 of *The Public Schools Act*, as re-enacted by section 3 of *The Public Schools Amendment Act, 1964*, is amended by adding thereto the following subsection:

R.S.O. 1960,
c. 330, s. 14
(1964,
c. 95, s. 3),
amended

Apportion-
ment of
annual
requisition

- (17) In the year in which a district school area is formed or altered and thereafter, the annual requisition of the board for school purposes shall be apportioned in accordance with section 55, which section applies *mutatis mutandis*, except that,

- (a) the meeting of treasurers shall be called by the treasurer of the municipality having the greatest assessment for public school purposes within the district school area according to the last revised assessment rolls; and
- (b) if the treasurers do not reach a decision on or before the 1st day of December, the inspector of the district school area and the treasurers shall be the arbitrators to determine the matter.

R.S.O. 1960,
c. 330, s. 18
(1961-62,
c. 120, s. 2),
subs. 4,
cls. a-c,
re-enacted

7. Clauses *a*, *b* and *c* of subsection 4 of section 18 of *The Public Schools Act*, as re-enacted by section 2 of *The Public Schools Amendment Act, 1961-62* and amended by section 4 of *The Public Schools Amendment Act, 1964*, are repealed and the following substituted therefor:

(a) who is,

- (i) a member of any other elementary or secondary school board, or
- (ii) a member of the council of a municipality or county in which all or part of the school section is situate, or
- (iii) an elected member of a local board of a municipality or county in which all or part of the school section is situate,

unless before the opening of the nomination meeting he has filed his resignation with the secretary of the other school board or with the clerk of the municipality or county, as the case may be;

(b) who is the clerk or treasurer of a municipality or county in which all or part of the school section is situate;

(c) who is the husband or wife of a trustee of the same board.

R.S.O. 1960,
c. 330, s. 21,
subs. 11
(1964,
c. 95, s. 5),
amended

8. Subsection 11 of section 21 of *The Public Schools Act*, as enacted by section 5 of *The Public Schools Amendment Act, 1964*, is amended by inserting after "shall" in the fifth line "give a casting vote or", so that the subsection shall read as follows:

- (11) When, at a regular annual meeting or at a special meeting called to fill a vacancy or vacancies, two or more candidates for the office of trustee receive an equal number of votes, the chairman of the meeting shall give a casting vote or provide for the drawing of lots to determine which of the candidates is elected. When tie vote

9.—(1) Subsection 2 of section 29 of *The Public Schools Act* is amended by striking out "on the assessment roll" in the second and third lines and inserting in lieu thereof "by the municipal census", so that the subsection, exclusive of the clauses, shall read as follows: R.S.O. 1960, c. 330, s. 29, subs. 2, amended

- (2) The number of trustees on the board shall be determined by the population of the municipality as shown by the municipal census for the year preceding the year in which the election is held as follows, where the population was, Number of trustees on board

(2) Subsection 3 of the said section 29, as re-enacted by section 3 of *The Public Schools Amendment Act, 1960-61*, is amended by striking out "assessment roll" in the first line and inserting in lieu thereof "census", so that the subsection shall read as follows: R.S.O. 1960, c. 330, s. 29, subs. 3 (1960-61, c. 82, s. 3), amended

- (3) Where it becomes evident from the census of a municipality that the number of trustees on a school board should be increased or decreased, at the next election of trustees the proper number of trustees shall be elected, and the trustees then in office shall continue in office until the new board is organized. Change in number of trustees

10.—(1) Subsection 2 of section 37 of *The Public Schools Act* is amended by striking out "and if the judge determines that no person was duly elected he shall order a new election to be held" in the sixth, seventh and eighth lines and inserting in lieu thereof "and, where a recount results in two or more candidates having an equal number of votes, the judge shall certify the result to the secretary of the board", so that the subsection shall read as follows: R.S.O. 1960, c. 330, s. 37, subs. 2, amended

- (2) The judge may confirm the election or set it aside, or declare that some other candidate was duly elected, or may order a new election, and may order the person found by him not to have been elected to be removed, and, if the judge determines that any other person was duly elected, he may order such person to be admitted, and, where a recount results in two or more candidates having an equal number of Powers of judge

votes, the judge shall certify the result to the secretary of the board, and he shall in all cases report his decision to the secretary of the board.

R.S.O. 1960,
c. 330, s. 37,
amended

(2) The said section 37 is amended by adding thereto the following subsections:

Where
recount
necessary
because of
tie vote

- (4) If, upon the casting up of the votes, two or more candidates have an equal number of votes where both or all of such candidates cannot be elected, the clerk of the municipality shall publicly declare the result and put up in a conspicuous place a statement under his hand showing the number of votes for each candidate, and shall forthwith notify the judge of the county or district court of the result, and such notification shall be deemed to be a complaint under subsection 1.

When
secretary
to give
casting
vote

- (5) Upon the result of a recount being certified to him showing that two or more candidates have an equal number of votes, the secretary shall forthwith after receiving the certificate give a casting vote for one or more of the candidates or provide for the drawing of lots to decide the election.

Where
sufficient
number of
candidates
not declared
elected to
organize
newly-
created
board

- (6) Where a secretary has not been appointed because a new board has been created but cannot be organized because of an equality of votes of two or more candidates, the clerk of the municipality or, where there is more than one municipality in the school section, the clerk of the municipality having the greatest assessment shall be deemed to be the secretary for the purposes of subsections 2 and 5.

R.S.O. 1960,
c. 330, s. 40
(1964,
c. 95, s. 6),
subss. 4-7,
re-enacted

11.—(1) Subsections 4, 5, 6 and 7 of section 40 of *The Public Schools Act*, as re-enacted by section 6 of *The Public Schools Amendment Act, 1964*, are repealed and the following substituted therefor:

Alteration
of areas

- (4) The council of a county may, by a by-law passed before the 1st day of July in any year,

- (a) add all or any part of a township school area to another township school area; or
- (b) add all of an urban school section, except a city or separated town, or all or any part of a union school section, except a city or separated town, to a township school area,

as recommended by the consultative committee, provided that the number of resident public school pupils of any board is not reduced to fewer than 120.

- (5) Where the average daily attendance of pupils of the public schools under the jurisdiction of a board is less than 100 in any year, the inspector shall notify the clerk of the county and the secretary of the board affected, and the council of the county shall, by by-law passed before the 1st day of July following notice from the inspector, attach the school section in which the board has jurisdiction to an adjoining school section.

Where attendance is less than 100 in any year

- (6) Where the council of a county enlarges a township school area to include all of two or more townships, notwithstanding subsection 4 of section 40c, the by-law may designate the name of the board of the township school area.

Name, where two or more whole townships

- (6a) In the territorial districts, the council of a township that forms all or part of a township school area may, by a by-law passed before the 1st day of July in any year,

Alteration of areas in territorial districts

- (a) add all or part of a school section in territory without municipal organization to the township school area; or
- (b) add all of an urban school section, except a city, or all or any part of a union school section, except a city, to the township school area; or
- (c) detach any portion of the township school area and attach such portion to another township school area or to a union school section,

if approval thereto has been given by a resolution passed before the 1st day of September of that year, in the case of a school section in territory without municipal organization, by the board of the school section and, in other cases, by the councils of the other municipalities concerned.

- (7) A by-law passed under subsection 4, 5 or 6a comes into force on the 1st day of January after it is approved by the Minister, except that, for the purposes of the election of trustees, it shall be effective on the day it is approved by the Minister.

Effective date of by-law

- (2) Subsection 11 of the said section 40 is repealed and the following substituted therefor:

R.S.O. 1960, c. 330, s. 40 (1964, c. 95, s. 6), subs. 11, re-enacted

Newly-incorporated municipalities

- (11) Where,

- (a) a part of a township school area is incorporated as a municipality on or after the 1st

day of January, 1965, the municipality so incorporated shall continue to form part of the township school area; or

- (b) parts of two or more township school areas are incorporated as a municipality on or after the 1st day of January, 1965, the municipality so incorporated shall form part of the township school area that surrounds it or with which it has the greatest length of common boundary.

R.S.O. 1960,
c. 330, s. 40a
(1964,
c. 95, s. 6),
subs. 4,
amended

12. Subsection 4 of section 40a of *The Public Schools Act*, as enacted by section 6 of *The Public Schools Amendment Act, 1964*, is amended by adding "and" at the end of clause b, by striking out "and" at the end of clause c and by striking out clause d.

R.S.O. 1960,
c. 330, s. 40b
(1964,
c. 95, s. 6),
subs. 1,
amended

13.—(1) Subsection 1 of section 40b of *The Public Schools Act*, as enacted by section 6 of *The Public Schools Amendment Act, 1964*, is amended by striking out "subsections 1 to 3" in the fourth line and inserting in lieu thereof "subsection 1 or 2".

R.S.O. 1960,
c. 330, s. 40b
(1964,
c. 95, s. 6),
subs. 1,
cl. c,
re-enacted

(2) Clause c of subsection 1 of the said section 40b is repealed and the following substituted therefor:

- (c) where a part of a township is included in a township school area and the assessment for public school purposes in such part is less than 10 per cent of the total assessment for public school purposes in the township, such part shall not be deemed a municipality for the purposes of subsection 1 or 2 of section 55 of *The Secondary Schools and Boards of Education Act*.

R.S.O. 1960,
c. 362

R.S.O. 1960,
c. 330, s. 40c
(1964,
c. 95, s. 6),
subs. 4,
amended

14.—(1) Subsection 4 of section 40c of *The Public Schools Act*, as enacted by section 6 of *The Public Schools Amendment Act, 1964*, is amended by striking out "(insert name of municipality)" in the third and fourth lines and inserting in lieu thereof "(insert name of municipality or, where more than one municipality is included in the area, insert name selected by the board and approved by the Minister)", so that the subsection shall read as follows:

Incorporation

- (4) Every board of trustees of a township school area is a corporation by the name of "The Public School Board of the Township School Area of (insert name of municipality or, where more than one municipality is included in the area, insert name selected by the board and approved by the Minister)".

(2) The said section 40c is amended by adding thereto the following subsection:

R.S.O. 1960,
c. 330, s. 40c
(1964,
c. 95, s. 6),
amended

- (10) Each part of a township that is included in a township school area but that is not deemed a municipality for the purposes of subsection 1 or 2 of section 55 of *The Secondary Schools and Boards of Education Act* shall, for the purposes of the election of trustees and of voting on school matters, be attached to the township in which the township school area is formed or, where the township school area includes all of two or more townships, it shall be attached for such purposes, by resolution, by the public school consultative committee of the county in which the township school area or the part of the township school area having the greatest assessment is located, to a township all or part of which is in the township school area.

Parts not
rated for
trustee,
attached to
township for
voting
purposes
R.S.O. 1960,
c. 362

15.—(1) Subsection 1 of section 43 of *The Public Schools Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 330, s. 43,
subs. 1,
re-enacted

- (1) Where a township school area consists of more than one municipality or parts thereof, section 55 applies *mutatis mutandis*, except that the meeting of the treasurers shall be called by the treasurer of the municipality having the greatest assessment for public school purposes within the township school area according to the last revised assessment rolls.

Treasurers
to determine
proportion

(2) Subsection 2 of the said section 43 is amended by striking out "assessors" in the first line and in the second line and inserting in lieu thereof in each instance "treasurers", so that the subsection shall read as follows:

R.S.O. 1960,
c. 330, s. 43,
subs. 2,
amended

- (2) Where the treasurers disagree, the inspector of the township school area and the treasurers shall be arbitrators to determine the matter.

Arbitration
where
treasurers
disagree

16.—(1) Section 45 of *The Public Schools Act*, as amended by section 12 of *The Public Schools Amendment Act, 1961-62*, section 7 of *The Public Schools Amendment Act, 1962-63* and section 7 of *The Public Schools Amendment Act, 1964*, is further amended by adding thereto the following subsection:

R.S.O. 1960,
c. 330, s. 45,
amended

- (18) Where in any year a town or village in a territorial district had in the preceding year a population of 1,000 or more and the average daily attendance of the public school pupils residing in the town or village was 100 or more in the preceding year, a union school section consisting of the town or village and all or part of one or more organized townships may be formed or altered under this section.

Formation
in territorial
district

R.S.O. 1960, c. 330, s. 45, subs. 19, cl. a, repealed (2) Clause *a* of subsection 19 of the said section 45, as amended by section 7 of *The Public Schools Amendment Act, 1962-63*, is repealed.

R.S.O. 1960, c. 330, s. 45, subs. 19, cl. b, amended (3) Clause *b* of subsection 19 of the said section 45 is amended by striking out "such" in the second line, so that the clause shall read as follows:

petition

- (b) for the purpose of the formation, alteration or dissolution of a union school section, the petition of the ratepayers for the part of the union school section not included in an urban municipality or organized township shall be presented to the inspector.

R.S.O. 1960, c. 330, s. 55, subs. 1 (1960-61, c. 82, s. 5, subs. 1), 2, 3, re-enacted; subs. 4, repealed **17.**—(1) Subsection 1, as re-enacted by subsection 1 of section 5 of *The Public Schools Amendment Act, 1960-61*, and subsections 2, 3 and 4 of section 55 of *The Public Schools Act* are repealed and the following substituted therefor:

Maintenance of union school section, apportionment of costs

- (1) Except in the case of union school sections established under section 46,

- (a) where the amount of the assessment for public school purposes of the part of the union school section situate in one municipality has increased or decreased by at least 10 per cent of the amount of its assessment at the date of the last apportionment; or
- (b) where, since the last apportionment, the sum of the percentage increase of the assessment for public school purposes in the part of the union school section in one municipality and of the percentage decrease of the assessment for public school purposes in the part of the union school section in any other municipality is at least 10,

and in any case,

- (c) in each year that is divisible evenly by 5,

the treasurers of the municipalities in which such a union school section is situate shall, before the 1st day of December, meet and determine what portion of the annual requisition made by the board for school purposes shall be levied, commencing in the following year, upon and collected from the taxable property of the public school supporters of the union school section situate in each of the municipalities

in which the section lies, provided that, upon the recommendation of at least one-half of the treasurers and with the approval of the Minister, an apportionment may be made in any year.

- (2) Where the assessment of a union school section is materially altered by reason of any land therein becoming exempt from taxation for public school purposes, the treasurers at their next meeting shall revise the apportionment. Assessment altered by exemptions

- (3) The meeting of the treasurers shall be called by the treasurer of the municipality in which the school-house is situate. Meeting of treasurers

- (2) Subsections 6 and 7 of the said section 55 are repealed and the following substituted therefor: R.S.O. 1960, c. 330, s. 55, subss. 6, 7, re-enacted

- (6) If the treasurers do not reach a decision on or before the 1st day of December, the inspector, in whose inspectorate the school of the union school section is situate, and the treasurers shall be arbitrators and shall determine the matter and report to the secretary of the board and to the clerk of each municipality on or before the 31st day of December. Arbitration where treasurers do not reach a decision

- (7) Where the union school section is composed of parts of two adjoining counties and the treasurers do not reach a decision on or before the 1st day of December, the inspector of the township in which the school of the union school section is situate shall act with the treasurers as arbitrators. Where union school section in two counties

- (3) Subsections 9 and 10 of the said section 55 are repealed and the following substituted therefor: R.S.O. 1960, c. 330, s. 55, subss. 9, 10, re-enacted

- (9) The treasurers or, in the case of an arbitration, the arbitrators, on the request in writing of the inspector or of five ratepayers, may, within one month after the report of the determination or award to the secretary of the board, correct any omission or error in the terms in which the determination or award is expressed. Reconsideration of award

- (10) The cost of proceedings under this section, including the fees of treasurers and arbitrators, shall be paid by the municipalities in accordance with the apportionment under subsection 1. Costs

- 18.—**(1) Subsection 3 of section 56 of *The Public Schools Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 330, s. 56, subss. 3, re-enacted

Liability for
debenture
debt where
land trans-
ferred from
one section
to another

- (3) On the petition of the head of a family who has a child attending school and who lives in one school section on land contiguous to another school section, the inspector, if he is of the opinion that it is more convenient for the child to attend the school in the other section, may alter the boundaries of the sections so as to transfer such land from one section to the other, and, where there is a debenture debt for public school purposes in the section from which the land is transferred, the inspector may require the board of the school section to which the property was attached to pay such portion of the interest and principal of the debenture debt as is determined by the inspector.

R.S.O. 1960,
c. 330, s. 56,
subs. 5,
re-enacted

- (2) Subsection 5 of the said section 56 is repealed and the following substituted therefor:

Election
of school
trustees

- (5) After the formation of a school section, the inspector shall cause notices to be posted, for at least six clear days in not fewer than three public places in the section, appointing a time and place for the first meeting of property owners and tenants, who are not separate school supporters, for the election of three trustees for the section, and the inspector may take such additional action to publicize the meeting as he deems expedient.

R.S.O. 1960,
c. 330, s. 66,
repealed

- 19.** Section 66 of *The Public Schools Act* is repealed.

R.S.O. 1960,
c. 330, s. 74,
subs. 1,
cl. b,
re-enacted

- 20.** Clause *b* of subsection 1 of section 74 of *The Public Schools Act* is repealed and the following substituted therefor:

submit
estimates

- (b) prepare and submit to the council of each municipality, all or part of which is included in the school section in which the board has jurisdiction, on or before such time as the council may prescribe, estimates of all sums required during the year for the purposes of the board, and such estimates,
- (i) shall set forth the estimated revenues and expenditures of the board,
- (ii) shall make due allowance for a surplus of any previous year that will be available during the current year,
- (iii) shall provide for a deficit of any previous year,

- (iv) may provide for expenditures for permanent improvements, provided that the total of expenditures for permanent improvements referred to in subparagraphs i, ii, iii, v and vii of paragraph 25 of subsection 2 of section 1 of *The Schools Administration Act* shall not exceed a sum calculated at two mills in the dollar upon the total assessment of the taxable property of public school supporters in the school section according to the last revised assessment roll, and for further expenditures if such further expenditures are approved in the manner provided for approving debentures for permanent improvements,
- (v) may provide for a reserve for working funds of a sum not in excess of 5 per cent of the expenditures of the board for the preceding year, but, where the sum accumulated in the reserve is equal to or is more than 20 per cent of such expenditures, no further sum shall be provided.

21.—(1) This Act, except sections 1, 2, 6, 15, 17, 19 and 20, comes into force on the day it receives Royal Assent. Commence-
ment

(2) Sections 1, 2, 6, 15, 17, 19 and 20 come into force on the 1st day of January, 1966. Idem

22. This Act may be cited as *The Public Schools Amendment Act, 1965*. Short title

An Act to amend The Public Schools Act

1st Reading

March 31st, 1965

2nd Reading

April 13th, 1965

3rd Reading

June 21st, 1965

MR. DAVIS

BILL 89

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Separate Schools Act

MR. DAVIS

EXPLANATORY NOTES

SECTION 1. Rural school sections in townships ceased to exist after January 1, 1965, with the formation of township school areas in all townships. The new provision makes reference to the rural school sections as they existed immediately before January 1, 1965, for the purposes of the establishment of separate schools.

SECTION 2. Trustees' qualifications are transferred from the provisions dealing with rural separate schools to provisions of general application. The change is to make it clear that the qualifications for trustees now contained in section 25 apply to all separate school trustees.

SECTION 3. A common method of determining fees is provided in section 100a of *The Schools Administration Act*. See section 18 of Bill 87. The amendments are necessary to refer to this provision.

Subsection 8a is new and is self-explanatory.

BILL 89

1965

An Act to amend The Separate Schools Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 18 of *The Separate Schools Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 368, s. 18,
amended

- (2) Where a separate school is to be established in a ^{in township} township school area, the householders or freeholders referred to in subsection 1 shall be resident within a former school section as it existed immediately before the formation of the township school area.

2. *The Separate Schools Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 368,
amended

- 18a. Any person being a Canadian citizen and not less than twenty-one years of age may be elected a trustee whether he is or is not a householder or freeholder. Trustees'
qualifica-
tions

3.—(1) Subsection 1 of section 22 of *The Separate Schools Act*, as amended by section 2 of *The Separate Schools Amendment Act, 1960-61*, is repealed. R.S.O. 1960,
c. 368, s. 22,
subs. 1,
repealed

(2) Subsection 7 of the said section 22 is amended by striking out "not in excess of the net cost per pupil per day in the preceding year" in the first and second lines and inserting in lieu thereof "as provided in subsection 4 of section 100a of *The Schools Administration Act*", so that the subsection shall read as follows: R.S.O. 1960,
c. 368, s. 22,
subs. 7,
amended

- (7) The board may charge a fee as provided in subsection 4 of section 100a of *The Schools Administration Act*, to be prepaid monthly by the parent or guardian for attendance in kindergarten or junior kindergarten of pupils who have not attained the age stated in subsection 2. Kinder-
garten fees
R.S.O. 1960,
c. 361

R.S.O. 1960,
c. 368, s. 22,
subs. 8,
amended

(3) Subsection 8 of the said section 22 is amended by adding at the commencement thereof "Subject to subsection 8a", so that the subsection shall read as follows:

Admission
of ward of
children's
aid society

(8) Subject to subsection 8a, a child who is a ward of a children's aid society shall be admitted to a separate school by the separate school board that was supported by his parent or guardian with whom he resided in the year in which he became a ward, and no fee shall be charged by the board.

R.S.O. 1960,
c. 368, s. 22,
amended

(4) The said section 22 is amended by adding thereto the following subsection:

Where ward
placed for
adoption

(8a) A child who is a ward of a children's aid society and who has been placed for adoption on a probationary basis shall be admitted, without the payment of a fee, to a separate school by the board of the separate school that is supported by the assessment of the residence in which he resides with his adoptive parent upon receipt from the children's aid society of a certificate stating that he has been so placed for adoption.

R.S.O. 1960,
c. 368, s. 22,
subs. 9,
amended

(5) Subsection 9 of the said section 22 is amended by striking out "not in excess of the net cost per pupil per day in the preceding year" in the ninth and tenth lines and inserting in lieu thereof "as provided in subsection 4 of section 100a of *The Schools Administration Act*", so that the subsection shall read as follows:

Idem

(9) Where a child who is a Roman Catholic and who is in the custody of a corporation, society or person and who is not qualified for admission under the other provisions of this section resides with a supporter of a separate school and the separate school inspector certifies that there is sufficient accommodation in the separate school for the current school year, the separate school board shall admit the child to a separate school upon the prepayment monthly by the corporation, society or person of a fee as provided in subsection 4 of section 100a of *The Schools Administration Act*.

R.S.O. 1960,
c. 361

R.S.O. 1960,
c. 368, s. 22,
subs. 12,
amended

(6) Subsection 12 of the said section 22 is amended by striking out "may charge a fee not in excess of the gross cost per pupil per day for the preceding year" in the third, fourth and fifth lines and inserting in lieu thereof "shall charge a fee calculated in accordance with subsection 1 of section 100a of *The Schools Administration Act*", so that the subsection shall read as follows:

SECTION 4. See note to section 2 of this Bill.

SECTION 5. The form of declaration of a rural separate school voter is revised and brought up to date.

- (12) A separate school board may by agreement with another separate school board furnish education for the pupils of the other board and for that purpose shall charge a fee calculated in accordance with subsection 1 of section 100a of *The Schools Administration Act*. Agreement between boards
R.S.O. 1960, c. 361

(7) Subsection 13 of the said section 22, as enacted by subsection 3 of section 3 of *The Separate Schools Amendment Act, 1962-63*, is amended by striking out "the tuition fees charged on his behalf at a rate not in excess of the gross cost per pupil per day in the preceding year" in the eleventh, twelfth, thirteenth and fourteenth lines and inserting in lieu thereof "a fee calculated in accordance with subsection 1 of section 100a of *The Schools Administration Act*", so that the subsection shall read as follows: R.S.O. 1960, c. 368, s. 22, subs. 13 (1962-63, c. 132, s. 3, subs. 3), amended

- (13) Where a separate school pupil resides with his parent or guardian in one zone and his residence is nearer by road to a separate school in another zone, as certified by the inspector for the zone in which the pupil resides, the board of the other zone may admit the pupil for the current year if the inspector for that school certifies that there is sufficient accommodation for him, and, unless the board of the zone in which he resides furnishes transportation for him to a school in his zone, the board of the zone in which he resides shall pay to the other board a fee calculated in accordance with subsection 1 of section 100a of *The Schools Administration Act*. Where separate school supporter resides in one zone but is closer by road to a separate school in another zone
R.S.O. 1960, c. 361

4. Section 25 of *The Separate Schools Act*, as amended by section 3 of *The Separate Schools Amendment Act, 1961-62*, is repealed. R.S.O. 1960, c. 368, s. 25, repealed

5. Subsection 12 of section 27 of *The Separate Schools Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 368, s. 27, subs. 12, re-enacted

- (12) Where an objection is made to the right of a person to vote at an annual or special meeting, either for trustee or upon a school question, the chairman shall require the person whose right to vote is objected to to make the following declaration, whereupon the person making the declaration is entitled to vote: When voter is objected to

I,, declare,

(a) that I am a householder or freeholder assessed to the support of

.....; or
(insert name of board)

(b) that I am the wife of a supporter of

.....; and
(insert name of board)

(c) that I am of the full age of twenty-one years; and

(d) that as such supporter or wife of a supporter I have the right to vote at this meeting.

R.S.O. 1960,
c. 368, s. 32,
subs. 2
(1961-62,
c. 132, s. 4,
subs. 1),
re-enacted

6.—(1) Subsection 2 of section 32 of *The Separate Schools Act*, as re-enacted by subsection 1 of section 4 of *The Separate Schools Amendment Act, 1961-62*, is repealed and the following substituted therefor:

Corporate
name

(2) The trustees of a combined separate school are a corporation by the name of "The Board of the Combined Roman Catholic Separate Schools of " (insert in order of population, commencing with the municipality with the greatest population, the names of the urban municipalities in which the Board has one or more centres and, in alphabetical order, the rural municipalities in which the Board has one or more centres, but, where the urban municipality with the greatest population has a population of 2,000 or more, the names of the other municipalities may be omitted, and, where the centres of two or more combined separate school zones are located in the same municipality or municipalities, a number shall be assigned by the inspector).

R.S.O. 1960,
c. 368, s. 32,
subs. 6
(1962-63,
c. 132, s. 5,
subs. 3),
re-enacted

(2) Subsection 6 of the said section 32, as enacted by subsection 3 of section 5 of *The Separate Schools Amendment Act, 1962-63*, is repealed and the following substituted therefor:

Trustees in
combined
separate
school zone
including
urban
municipality

(6) Where a combined separate school zone includes one or more urban municipalities, the board shall be composed of the same number of trustees as the separate school board of the urban municipality having the greatest population would have had under section 35, and the board shall be deemed to be an urban board and the zone shall be deemed to be an urban combined separate school zone.

R.S.O. 1960,
c. 368, s. 32,
amended

(3) The said section 32, as amended by section 4 of *The Separate Schools Amendment Act, 1961-62* and section 5 of *The Separate Schools Amendment Act, 1962-63*, is further amended by adding thereto the following subsections:

Electors'
qualifica-
tions,
urban
combined
separate
school zone

(8) Every person,

(a) who resides in an urban municipality in an urban combined separate school zone and is

SECTION 6—Subsection 1. The amendment is to permit a more logical name for combined Roman Catholic Separate School Boards.

Subsection 2. The board of a combined separate school zone that includes an urban municipality is deemed to be an urban board for the purposes of the election of trustees, etc.

Subsection 3. The amendments set out the qualifications for electors in respect of combined separate schools.

SECTION 7. At present, the election of trustees may be held by the board by open vote at a meeting of the board, by ballot, in which case the provisions of *The Municipal Act* respecting elections apply, or the board may require the municipality to provide for the election at the same time and place, etc., as municipal elections.

Sections 38 and 39 are revised to provide that the election of trustees shall either be by ballot under the supervision of the board or at the request of the board in the same manner as municipal elections.

entitled to vote at the election of trustees under section 41; or

- (b) who resides in a township or territory without municipal organization in an urban combined separate school zone and would be entitled to vote at the election of trustees under section 26 if the combined separate school were a rural separate school,

is entitled to vote at the election of trustees of the combined separate school and on any school question.

- (9) Every person who resides in a rural combined separate school zone and is entitled to vote at the election of trustees under section 26 is entitled to vote at the election of trustees of the combined separate school and, subject to subsection 2 of section 26, on any school question. Electors' qualifications, rural combined separate school zone

7. Sections 38 and 39 of *The Separate Schools Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 368, ss. 38, 39, re-enacted

- 38.—(1) Subject to section 39, the voting for the election of trustees of an urban separate school board and for all urban school purposes shall be by ballot. Voting to be by ballot

- (2) Within three days of a request in writing of the board of an urban separate school zone, the clerk of the urban municipality shall furnish to the board, Voters' list for urban school zone

- (a) where the municipality is divided into wards, the voters' list of each ward; or

- (b) where the municipality is not divided into wards, the voters' list of each polling subdivision in the municipality,

indicating the names of all persons thereon who are separate school supporters.

- (3) Where an urban separate school zone includes an urban municipality and part of another municipality, Where zone includes urban municipality and part of another municipality
 - (a) within three days of a request in writing of the board of the urban separate school zone, the clerk of the other municipality shall furnish to the board a list of voters of the part of the municipality included in the urban

separate school zone, indicating the names of all persons thereon who are separate school supporters; and

- (b) a person who is entitled to vote at the election of trustees of the board and who resides outside the urban municipality is entitled to vote in that ward or division of the urban municipality in which the school house is situate that is nearest to his place of residence.

Voters' list for combined separate school zone

- (4) Within three days of a request in writing of a board of a combined separate school zone, the clerk of each municipality, all or part of which is included in the combined separate school zone, shall furnish to the board a list of voters of the municipality or part indicating the names of all persons thereon who are separate school supporters.

Adoption of municipal elections

- 39.—(1) An urban separate school board may, by resolution passed between the 1st day of May and the 1st day of October in any year, require the vote for the election of trustees to be conducted in the same manner as municipal elections in the municipality in which the separate school is situate, or, in the case of a combined separate school zone that includes one or more urban municipalities, in the urban municipality that has the greatest population.

Discontinuation

- (2) The board may in like manner discontinue the voting conducted in the manner of municipal elections.

When manner of voting may be changed

- (3) Where the board requires the vote to be conducted in the same manner as municipal elections and elections are so held, no change in the mode of voting shall be made unless the board has been elected by the same mode for a period of four years.

Time and place, etc., of elections

- (4) Where a resolution is passed in any year under subsection 1,

- (a) the election of trustees in that year and in subsequent years shall be held at the same place and time and conducted by the same officers and in the same manner as municipal elections in the municipality in which the vote is to be conducted;

- (b) the meeting of the supporters of the urban or combined separate school for the nomination

SECTION 8. The oath to be taken by a voter is amended to refer to the wife or husband of a separate school supporter who is entitled to vote under section 41.

SECTION 9. The provision setting out the qualifications for urban electors is amended to refer to all urban municipalities instead of cities and towns.

of candidates shall be held on the same day as the meeting for the nomination of candidates for council;

- (c) the board shall advertise in each of its schools the place and time of the nomination meeting, and the secretary of the board shall report the names of the nominees to the clerk of the municipality in which the vote is to be conducted;
- (d) in the case of a combined separate school zone, the clerk of each municipality, all or part of which is included in the combined separate school zone, except the municipality in which the vote is to be conducted, shall furnish to the clerk of the municipality in which the vote is to be conducted a list of voters of the municipality or part included in the combined separate school zone, indicating the names of all persons thereon who are separate school supporters;
- (e) the provisions of *The Municipal Act* with respect to elections, except with respect to the nomination of candidates, apply *mutatis mutandis*, except that the oath to be taken by a voter shall be in the form prescribed in clause *a* of section 40.

8. Clause *a* of section 40 of *The Separate Schools Act* is amended by striking out "That you are a ratepayer" in the fifth line and by adding after "supporter" in the seventh line "or that you are a Roman Catholic and the wife or husband of a Roman Catholic separate school supporter".

R.S.O. 1960,
c. 368, s. 40,
cl. *a*,
amended

9. Section 41 of *The Separate Schools Act* is amended by striking out "cities and towns" in the first line and inserting in lieu thereof "urban municipalities", so that the section shall read as follows:

R.S.O. 1960,
c. 368, s. 41,
amended

41. In urban municipalities, every person whose name is on the voters' list as entitled to vote at municipal elections and who is a supporter of separate schools for Roman Catholics, or who, being a Roman Catholic, is the wife or husband of a supporter of such separate schools, is entitled to vote at the election of trustees of the separate schools.

Election of
trustees, who
may vote

R.S.O. 1960,
c. 368, s. 49
(1962-63,
c. 132, s. 8),
amended

10. Section 49 of *The Separate Schools Act*, as re-enacted by section 8 of *The Separate Schools Amendment Act, 1962-63* and amended by section 7 of *The Separate Schools Amendment Act, 1964*, is further amended by adding thereto the following subsection:

All parts of
zone to be
adjoining

- (4) The boundaries of a separate school zone as determined by the inspector or altered by a judge shall follow one continuous line so that all parts of the zone are adjoining.

R.S.O. 1960,
c. 368, s. 62,
subs. 2,
re-enacted

11. Subsection 2 of section 62 of *The Separate Schools Act* is repealed and the following substituted therefor:

Expenses of
collection

- (2) Any expenses attending the assessment, collection or payment of school rates by the municipal corporation shall be borne by the corporation, and the rates and taxes collected for separate school purposes shall be paid by the corporation to the treasurer of the board from time to time as may be required by the board on the warrant of the proper inspector and in any event not later than the 15th day of December in the year in which the rates are levied.

R.S.O. 1960,
c. 368, s. 66,
subs. 6,
amended

12. Subsection 6 of section 66 of *The Separate Schools Act* is amended by striking out "Before any such by-law is acted upon, notice of the passing of the by-law shall be published for three consecutive weeks in a newspaper having general circulation in the area within three miles of the separate school stating" in the first, second, third and fourth lines and inserting in lieu thereof "Before a by-law for borrowing money for a permanent improvement is acted upon, notice of the passing of the by-law shall be published for three consecutive weeks in a newspaper having general circulation within the separate school zone stating", so that the subsection shall read as follows:

Publication
of notice
of by-law

- (6) Before a by-law for borrowing money for a permanent improvement is acted upon, notice of the passing of the by-law shall be published for three consecutive weeks in a newspaper having general circulation within the separate school zone stating,
- (a) the purpose for which the money is to be borrowed;
 - (b) the amount to be borrowed and the security therefor;
 - (c) the terms of repayment including the rate of interest,

SECTION 10. The amendment is to make it clear that a separate school zone is a single geographical unit.

SECTION 11. The provision as re-enacted provides for periodical payments of taxes during the year to the board.

SECTION 12. The amendment is to make it clear that only a by-law of a separate school board for borrowing for a permanent improvement is required to be published.



and, if no application to quash the by-law is made for three months after publication of notice of the passing thereof, the by-law is valid notwithstanding any want of substance or form in the by-law or in the time or manner of passing the by-law.

13.—(1) This Act, except section 3, comes into force on the day it receives Royal Assent. <sup>Commence-
ment</sup>

(2) Section 3 comes into force on the 1st day of September, 1965. ^{Idem}

14. This Act may be cited as *The Separate Schools Amendment Act, 1965*. ^{Short title}

An Act to amend The Separate Schools Act

1st Reading

March 31st, 1965

2nd Reading

3rd Reading

MR. DAVIS

BILL 89

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Separate Schools Act

MR. DAVIS

(Reprinted as amended by the Committee on Education, Health and Welfare)

EXPLANATORY NOTES

SECTION 1. Rural school sections in townships ceased to exist after January 1, 1965, with the formation of township school areas in all townships. The new provision makes reference to the rural school sections as they existed immediately before January 1, 1965, for the purposes of the establishment of separate schools.

SECTION 2. Trustees' qualifications are transferred from the provisions dealing with rural separate schools to provisions of general application. The change is to make it clear that the qualifications for trustees now contained in section 25 apply to all separate school trustees.

SECTION 3. A common method of determining fees is provided in section 100a of *The Schools Administration Act*. See section 18 of Bill 87. The amendments are necessary to refer to this provision.

Subsection 8a is new and is self-explanatory.

BILL 89 *Amendment to the Separate Schools Act* **1965**

An Act to amend The Separate Schools Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 18 of *The Separate Schools Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 368, s. 18,
amended

- (2) Where a separate school is to be established in a in township
school area township school area, the householders or freeholders referred to in subsection 1 shall be resident within a former school section as it existed immediately before the formation of the township school area.

2. *The Separate Schools Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 368,
amended

- 18a. Any person being a Canadian citizen and not less than twenty-one years of age may be elected a trustee whether he is or is not a householder or freeholder. Trustees'
qualifica-
tions

3.—(1) Subsection 1 of section 22 of *The Separate Schools Act*, as amended by section 2 of *The Separate Schools Amendment Act, 1960-61*, is repealed. R.S.O. 1960,
c. 368, s. 22,
subs. 1,
repealed

(2) Subsection 7 of the said section 22 is amended by striking out "not in excess of the net cost per pupil per day in the preceding year" in the first and second lines and inserting in lieu thereof "as provided in subsection 4 of section 100a of *The Schools Administration Act*", so that the subsection shall read as follows: R.S.O. 1960,
c. 368, s. 22,
subs. 7,
amended

- (7) The board may charge a fee as provided in subsection 4 of section 100a of *The Schools Administration Act*, to be prepaid monthly by the parent or guardian for attendance in kindergarten or junior kindergarten of pupils who have not attained the age stated in subsection 2. Kinder-
garten fees
R.S.O. 1960,
c. 361

R.S.O. 1960,
c. 368, s. 22,
subs. 8,
amended

(3) Subsection 8 of the said section 22 is amended by adding at the commencement thereof "Subject to subsection 8a", so that the subsection shall read as follows:

Admission
of ward of
children's
aid society

(8) Subject to subsection 8a, a child who is a ward of a children's aid society shall be admitted to a separate school by the separate school board that was supported by his parent or guardian with whom he resided in the year in which he became a ward, and no fee shall be charged by the board.

R.S.O. 1960,
c. 368, s. 22,
amended

(4) The said section 22 is amended by adding thereto the following subsection:

Where ward
placed for
adoption

(8a) A child who is a ward of a children's aid society and who has been placed for adoption on a probationary basis shall be admitted, without the payment of a fee, to a separate school by the board of the separate school that is supported by the assessment of the residence in which he resides with his adoptive parent upon receipt from the children's aid society of a certificate stating that he has been so placed for adoption.

R.S.O. 1960,
c. 368, s. 22,
subs. 9,
amended

(5) Subsection 9 of the said section 22 is amended by striking out "not in excess of the net cost per pupil per day in the preceding year" in the ninth and tenth lines and inserting in lieu thereof "as provided in subsection 4 of section 100a of *The Schools Administration Act*", so that the subsection shall read as follows:

Idem

(9) Where a child who is a Roman Catholic and who is in the custody of a corporation, society or person and who is not qualified for admission under the other provisions of this section resides with a supporter of a separate school and the separate school inspector certifies that there is sufficient accommodation in the separate school for the current school year, the separate school board shall admit the child to a separate school upon the prepayment monthly by the corporation, society or person of a fee as provided in subsection 4 of section 100a of *The Schools Administration Act*.

R.S.O. 1960,
c. 361

R.S.O. 1960,
c. 368, s. 22,
subs. 12,
amended

(6) Subsection 12 of the said section 22 is amended by striking out "may charge a fee not in excess of the gross cost per pupil per day for the preceding year" in the third, fourth and fifth lines and inserting in lieu thereof "shall charge a fee calculated in accordance with subsection 1 of section 100a of *The Schools Administration Act*", so that the subsection shall read as follows:

SECTION 4. See note to section 2 of this Bill.

SECTION 5. The form of declaration of a rural separate school voter is revised and brought up to date.

- (12) A separate school board may by agreement with another separate school board furnish education for the pupils of the other board and for that purpose shall charge a fee calculated in accordance with subsection 1 of section 100a of *The Schools Administration Act*. Agreement between boards
R.S.O. 1960, c. 361

(7) Subsection 13 of the said section 22, as enacted by subsection 3 of section 3 of *The Separate Schools Amendment Act, 1962-63*, is amended by striking out "the tuition fees charged on his behalf at a rate not in excess of the gross cost per pupil per day in the preceding year" in the eleventh, twelfth, thirteenth and fourteenth lines and inserting in lieu thereof "a fee calculated in accordance with subsection 1 of section 100a of *The Schools Administration Act*", so that the subsection shall read as follows: R.S.O. 1960, c. 368, s. 22, subs. 13 (1962-63, c. 132, s. 3, subs. 3), amended

- (13) Where a separate school pupil resides with his parent or guardian in one zone and his residence is nearer by road to a separate school in another zone, as certified by the inspector for the zone in which the pupil resides, the board of the other zone may admit the pupil for the current year if the inspector for that school certifies that there is sufficient accommodation for him, and, unless the board of the zone in which he resides furnishes transportation for him to a school in his zone, the board of the zone in which he resides shall pay to the other board a fee calculated in accordance with subsection 1 of section 100a of *The Schools Administration Act*. Where separate school supporter resides in one zone but is closer by road to a separate school in another zone
R.S.O. 1960, c. 361

4. Section 25 of *The Separate Schools Act*, as amended by section 3 of *The Separate Schools Amendment Act, 1961-62*, is repealed. R.S.O. 1960, c. 368, s. 25, repealed

5. Subsection 12 of section 27 of *The Separate Schools Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 368, s. 27, subs. 12, re-enacted

- (12) Where an objection is made to the right of a person to vote at an annual or special meeting, either for trustee or upon a school question, the chairman shall require the person whose right to vote is objected to to make the following declaration, whereupon the person making the declaration is entitled to vote: When voter is objected to

I,, declare,

(a) that I am a householder or freeholder assessed to the support of

.....; or
(insert name of board)

(b) that I am the wife of a supporter of

.....; and
(insert name of board)

(c) that I am of the full age of twenty-one years; and

(d) that as such supporter or wife of a supporter I have the right to vote at this meeting.

R.S.O. 1960,
c. 368, s. 32,
subs. 2
(1961-62,
c. 132, s. 4,
subs. 1),
re-enacted

6.—(1) Subsection 2 of section 32 of *The Separate Schools Act*, as re-enacted by subsection 1 of section 4 of *The Separate Schools Amendment Act, 1961-62*, is repealed and the following substituted therefor:

Corporate
name

- (2) The trustees of a combined separate school are a corporation by the name of "The Board of the Combined Roman Catholic Separate Schools of" (insert in order of population, commencing with the municipality with the greatest population, the names of the urban municipalities in which the Board has one or more centres and, in alphabetical order, the rural municipalities in which the Board has one or more centres, but, where the urban municipality with the greatest population has a population of 2,000 or more, the names of the other municipalities may be omitted, and, where the centres of two or more combined separate school zones are located in the same municipality or municipalities, a number shall be assigned by the inspector).

R.S.O. 1960,
c. 368, s. 32,
subs. 6
(1962-63,
c. 132, s. 5,
subs. 3),
re-enacted

(2) Subsection 6 of the said section 32, as enacted by subsection 3 of section 5 of *The Separate Schools Amendment Act, 1962-63*, is repealed and the following substituted therefor:

Trustees in
combined
separate
school zone
including
urban
municipality

- (6) Where a combined separate school zone includes one or more urban municipalities, the board shall be composed of the same number of trustees as the separate school board of the urban municipality having the greatest population would have had under section 35, and the board shall be deemed to be an urban board and the zone shall be deemed to be an urban combined separate school zone.

R.S.O. 1960,
c. 368, s. 32,
amended

(3) The said section 32, as amended by section 4 of *The Separate Schools Amendment Act, 1961-62* and section 5 of *The Separate Schools Amendment Act, 1962-63*, is further amended by adding thereto the following subsections:

Electors'
qualifica-
tions,
urban
combined
separate
school zone

- (8) Every person,

- (a) who resides in an urban municipality in an urban combined separate school zone and is

SECTION 6—Subsection 1. The amendment is to permit a more logical name for combined Roman Catholic Separate School Boards.

Subsection 2. The board of a combined separate school zone that includes an urban municipality is deemed to be an urban board for the purposes of the election of trustees, etc.

Subsection 3. The amendments set out the qualifications for electors in respect of combined separate schools.

SECTION 7. At present, the election of trustees may be held by the board by open vote at a meeting of the board, by ballot, in which case the provisions of *The Municipal Act* respecting elections apply, or the board may require the municipality to provide for the election at the same time and place, etc., as municipal elections.

Sections 38 and 39 are revised to provide that the election of trustees shall either be by ballot under the supervision of the board or at the request of the board in the same manner as municipal elections.

entitled to vote at the election of trustees under section 41; or

- (b) who resides in a township or territory without municipal organization in an urban combined separate school zone and would be entitled to vote at the election of trustees under section 26 if the combined separate school were a rural separate school,

is entitled to vote at the election of trustees of the combined separate school and on any school question.

- (9) Every person who resides in a rural combined separate school zone and is entitled to vote at the election of trustees under section 26 is entitled to vote at the election of trustees of the combined separate school and, subject to subsection 2 of section 26, on any school question. Electors' qualifications, rural combined separate school zone

7. Sections 38 and 39 of *The Separate Schools Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 368, ss. 38, 39, re-enacted

- 38.—(1) Subject to section 39, the voting for the election of trustees of an urban separate school board and for all urban school purposes shall be by ballot. Voting to be by ballot
- (2) Within three days of a request in writing of the board of an urban separate school zone, the clerk of the urban municipality shall furnish to the board, Voters' list for urban school zone
 - (a) where the municipality is divided into wards, the voters' list of each ward; or
 - (b) where the municipality is not divided into wards, the voters' list of each polling subdivision in the municipality,

indicating the names of all persons thereon who are separate school supporters.

- (3) Where an urban separate school zone includes an urban municipality and part of another municipality, Where zone includes urban municipality and part of another municipality
 - (a) within three days of a request in writing of the board of the urban separate school zone, the clerk of the other municipality shall furnish to the board a list of voters of the part of the municipality included in the urban

separate school zone, indicating the names of all persons thereon who are separate school supporters; and

- (b) a person who is entitled to vote at the election of trustees of the board and who resides outside the urban municipality is entitled to vote in that ward or division of the urban municipality in which the school house is situate that is nearest to his place of residence.

Voters' list for combined separate school zone

- (4) Within three days of a request in writing of a board of a combined separate school zone, the clerk of each municipality, all or part of which is included in the combined separate school zone, shall furnish to the board a list of voters of the municipality or part indicating the names of all persons thereon who are separate school supporters.

Adoption of municipal elections

- 39.—(1) An urban separate school board may, by resolution passed between the 1st day of May and the 1st day of October in any year, require the vote for the election of trustees to be conducted in the same manner as municipal elections in the municipality in which the separate school is situate, or, in the case of a combined separate school zone that includes one or more urban municipalities, in the urban municipality that has the greatest population.

Discontinuation

- (2) The board may in like manner discontinue the voting conducted in the manner of municipal elections.

When manner of voting may be changed

- (3) Where the board requires the vote to be conducted in the same manner as municipal elections and elections are so held, no change in the mode of voting shall be made unless the board has been elected by the same mode for a period of four years.

Time and place, etc., of elections

- (4) Where a resolution is passed in any year under subsection 1,

- (a) the election of trustees in that year and in subsequent years shall be held at the same place and time and conducted by the same officers and in the same manner as municipal elections in the municipality in which the vote is to be conducted;

- (b) the meeting of the supporters of the urban or combined separate school for the nomination

SECTION 8. The oath to be taken by a voter is amended to refer to the wife or husband of a separate school supporter who is entitled to vote under section 41.

SECTION 9. The provision setting out the qualifications for urban electors is amended to refer to all urban municipalities instead of cities and towns.

of candidates shall be held on the same day as the meeting for the nomination of candidates for council;

- (c) the board shall advertise in each of its schools the place and time of the nomination meeting, and the secretary of the board shall report the names of the nominees to the clerk of the municipality in which the vote is to be conducted;
- (d) in the case of a combined separate school zone, the clerk of each municipality, all or part of which is included in the combined separate school zone, except the municipality in which the vote is to be conducted, shall furnish to the clerk of the municipality in which the vote is to be conducted a list of voters of the municipality or part included in the combined separate school zone, indicating the names of all persons thereon who are separate school supporters;
- (e) the provisions of *The Municipal Act* with R.S.O. 1960, c. 249 respect to elections, except with respect to the nomination of candidates, apply *mutatis mutandis*, except that the oath to be taken by a voter shall be in the form prescribed in clause *a* of section 40.

8. Clause *a* of section 40 of *The Separate Schools Act* is R.S.O. 1960, c. 368, s. 40, amended amended by striking out "That you are a ratepayer" in the fifth line and by adding after "supporter" in the seventh line "or that you are a Roman Catholic and the wife or husband of a Roman Catholic separate school supporter".

9. Section 41 of *The Separate Schools Act* is amended by R.S.O. 1960, c. 368, s. 41, amended striking out "cities and towns" in the first line and inserting in lieu thereof "urban municipalities", so that the section shall read as follows:

- 41. In urban municipalities, every person whose name is Election of trustees, who may vote on the voters' list as entitled to vote at municipal elections and who is a supporter of separate schools for Roman Catholics, or who, being a Roman Catholic, is the wife or husband of a supporter of such separate schools, is entitled to vote at the election of trustees of the separate schools.

R.S.O. 1960,
c. 368, s. 49
(1962-63,
c. 132, s. 8),
amended

10. Section 49 of *The Separate Schools Act*, as re-enacted by section 8 of *The Separate Schools Amendment Act, 1962-63* and amended by section 7 of *The Separate Schools Amendment Act, 1964*, is further amended by adding thereto the following subsection:

All parts of
zone to be
adjoining

- (4) The boundaries of a separate school zone as determined by the inspector or altered by a judge shall follow one continuous line so that all parts of the zone are adjoining.

R.S.O. 1960,
c. 368, s. 62,
subs. 2,
re-enacted

11. Subsection 2 of section 62 of *The Separate Schools Act* is repealed and the following substituted therefor:

Expenses of
collection

- (2) Any expenses attending the assessment, collection or payment of school rates by the municipal corporation shall be borne by the corporation, and the rates and taxes collected for separate school purposes shall be paid by the corporation to the treasurer of the board from time to time as may be required by the board on the warrant of the proper inspector and in any event not later than the 15th day of December in the year in which the rates are levied.

R.S.O. 1960,
c. 368, s. 66,
subs. 6,
amended

12. Subsection 6 of section 66 of *The Separate Schools Act* is amended by striking out "Before any such by-law is acted upon, notice of the passing of the by-law shall be published for three consecutive weeks in a newspaper having general circulation in the area within three miles of the separate school stating" in the first, second, third and fourth lines and inserting in lieu thereof "Before a by-law for borrowing money for a permanent improvement is acted upon, notice of the passing of the by-law shall be published for three consecutive weeks in a newspaper having general circulation within the separate school zone stating", so that the subsection shall read as follows:

Publication
of notice
of by-law

- (6) Before a by-law for borrowing money for a permanent improvement is acted upon, notice of the passing of the by-law shall be published for three consecutive weeks in a newspaper having general circulation within the separate school zone stating,
- (a) the purpose for which the money is to be borrowed;
 - (b) the amount to be borrowed and the security therefor;
 - (c) the terms of repayment including the rate of interest,

SECTION 10. The amendment is to make it clear that a separate school zone is a single geographical unit.

SECTION 11. The provision as re-enacted provides for periodical payments of taxes during the year to the board.

SECTION 12. The amendment is to make it clear that only a by-law of a separate school board for borrowing for a permanent improvement is required to be published.

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and, if no application to quash the by-law is made for three months after publication of notice of the passing thereof, the by-law is valid notwithstanding any want of substance or form in the by-law or in the time or manner of passing the by-law.

13.—(1) This Act, except section 3, comes into force on ^{Commence-}the day it receives Royal Assent.
ment

(2) Section 3 comes into force on the 1st day of January, ^{Idem}1966.

14. This Act may be cited as *The Separate Schools Amend-* ^{Short title}
ment Act, 1965.

An Act to amend The Separate Schools Act

1st Reading

March 31st, 1965

2nd Reading

April 13th, 1965

3rd Reading

MR. DAVIS

*(Reprinted as amended by the Committee
on Education, Health and Welfare)*

BILL 89

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Separate Schools Act

MR. DAVIS

100

100



BILL 89

1965

An Act to amend The Separate Schools Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 18 of *The Separate Schools Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 368, s. 18,
amended

- (2) Where a separate school is to be established in a ^{in township} township school area, the householders or freeholders referred to in subsection 1 shall be resident within a former school section as it existed immediately before the formation of the township school area.

2. *The Separate Schools Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 368,
amended

- 18a. Any person being a Canadian citizen and not less than twenty-one years of age may be elected a ^{Trustees'} trustee whether he is or is not a householder or freeholder. qualifica-
tions

3.—(1) Subsection 1 of section 22 of *The Separate Schools Act*, as amended by section 2 of *The Separate Schools Amendment Act, 1960-61*, is repealed. R.S.O. 1960,
c. 368, s. 22,
subs. 1,
repealed

(2) Subsection 7 of the said section 22 is amended by striking out "not in excess of the net cost per pupil per day in the preceding year" in the first and second lines and inserting in lieu thereof "as provided in subsection 4 of section 100a of *The Schools Administration Act*", so that the subsection shall read as follows: R.S.O. 1960,
c. 368, s. 22,
subs. 7,
amended

- (7) The board may charge a fee as provided in subsection 4 of section 100a of *The Schools Administration Act*, to be prepaid monthly by the parent or guardian for attendance in kindergarten or junior kindergarten of pupils who have not attained the age stated in subsection 2. Kinder-
garten fees
R.S.O. 1960,
c. 361

R.S.O. 1960,
c. 368, s. 22,
subs. 8,
amended

(3) Subsection 8 of the said section 22 is amended by adding at the commencement thereof "Subject to subsection 8a", so that the subsection shall read as follows:

Admission
of ward of
children's
aid society

(8) Subject to subsection 8a, a child who is a ward of a children's aid society shall be admitted to a separate school by the separate school board that was supported by his parent or guardian with whom he resided in the year in which he became a ward, and no fee shall be charged by the board.

R.S.O. 1960,
c. 368, s. 22,
amended

(4) The said section 22 is amended by adding thereto the following subsection:

Where ward
placed for
adoption

(8a) A child who is a ward of a children's aid society and who has been placed for adoption on a probationary basis shall be admitted, without the payment of a fee, to a separate school by the board of the separate school that is supported by the assessment of the residence in which he resides with his adoptive parent upon receipt from the children's aid society of a certificate stating that he has been so placed for adoption.

R.S.O. 1960,
c. 368, s. 22,
subs. 9,
amended

(5) Subsection 9 of the said section 22 is amended by striking out "not in excess of the net cost per pupil per day in the preceding year" in the ninth and tenth lines and inserting in lieu thereof "as provided in subsection 4 of section 100a of *The Schools Administration Act*", so that the subsection shall read as follows:

Idem

(9) Where a child who is a Roman Catholic and who is in the custody of a corporation, society or person and who is not qualified for admission under the other provisions of this section resides with a supporter of a separate school and the separate school inspector certifies that there is sufficient accommodation in the separate school for the current school year, the separate school board shall admit the child to a separate school upon the prepayment monthly by the corporation, society or person of a fee as provided in subsection 4 of section 100a of *The Schools Administration Act*.

R.S.O. 1960,
c. 361

R.S.O. 1960,
c. 368, s. 22,
subs. 12,
amended

(6) Subsection 12 of the said section 22 is amended by striking out "may charge a fee not in excess of the gross cost per pupil per day for the preceding year" in the third, fourth and fifth lines and inserting in lieu thereof "shall charge a fee calculated in accordance with subsection 1 of section 100a of *The Schools Administration Act*", so that the subsection shall read as follows:

- (12) A separate school board may by agreement with another separate school board furnish education for the pupils of the other board and for that purpose shall charge a fee calculated in accordance with subsection 1 of section 100a of *The Schools Administration Act*. Agreement between boards
R.S.O. 1960, c. 361

(7) Subsection 13 of the said section 22, as enacted by subsection 3 of section 3 of *The Separate Schools Amendment Act, 1962-63*, is amended by striking out "the tuition fees charged on his behalf at a rate not in excess of the gross cost per pupil per day in the preceding year" in the eleventh, twelfth, thirteenth and fourteenth lines and inserting in lieu thereof "a fee calculated in accordance with subsection 1 of section 100a of *The Schools Administration Act*", so that the subsection shall read as follows: R.S.O. 1960, c. 368, s. 22, subs. 13 (1962-63, c. 132, s. 3, subs. 3), amended

- (13) Where a separate school pupil resides with his parent or guardian in one zone and his residence is nearer by road to a separate school in another zone, as certified by the inspector for the zone in which the pupil resides, the board of the other zone may admit the pupil for the current year if the inspector for that school certifies that there is sufficient accommodation for him, and, unless the board of the zone in which he resides furnishes transportation for him to a school in his zone, the board of the zone in which he resides shall pay to the other board a fee calculated in accordance with subsection 1 of section 100a of *The Schools Administration Act*. Where separate school supporter resides in one zone but is closer by road to a separate school in another zone
R.S.O. 1960, c. 361

4. Section 25 of *The Separate Schools Act*, as amended by section 3 of *The Separate Schools Amendment Act, 1961-62*, is repealed. R.S.O. 1960, c. 368, s. 25, repealed

5. Subsection 12 of section 27 of *The Separate Schools Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 368, s. 27, subs. 12, re-enacted

- (12) Where an objection is made to the right of a person to vote at an annual or special meeting, either for trustee or upon a school question, the chairman shall require the person whose right to vote is objected to to make the following declaration, whereupon the person making the declaration is entitled to vote: When voter is objected to

I,, declare,

(a) that I am a householder or freeholder assessed to the support of

.....; or
(insert name of board)

(b) that I am the wife of a supporter of

.....; and
(insert name of board)

(c) that I am of the full age of twenty-one years; and

(d) that as such supporter or wife of a supporter I have the right to vote at this meeting.

R.S.O. 1960,
c. 368, s. 32,
subs. 2
(1961-62,
c. 132, s. 4,
subs. 1),
re-enacted

6.—(1) Subsection 2 of section 32 of *The Separate Schools Act*, as re-enacted by subsection 1 of section 4 of *The Separate Schools Amendment Act, 1961-62*, is repealed and the following substituted therefor:

Corporate
name

- (2) The trustees of a combined separate school are a corporation by the name of "The Board of the Combined Roman Catholic Separate Schools of " (insert in order of population, commencing with the municipality with the greatest population, the names of the urban municipalities in which the Board has one or more centres and, in alphabetical order, the rural municipalities in which the Board has one or more centres, but, where the urban municipality with the greatest population has a population of 2,000 or more, the names of the other municipalities may be omitted, and, where the centres of two or more combined separate school zones are located in the same municipality or municipalities, a number shall be assigned by the inspector).

R.S.O. 1960,
c. 368, s. 32,
subs. 6
(1962-63,
c. 132, s. 5,
subs. 3),
re-enacted

(2) Subsection 6 of the said section 32, as enacted by subsection 3 of section 5 of *The Separate Schools Amendment Act, 1962-63*, is repealed and the following substituted therefor:

Trustees in
combined
separate
school zone
including
urban
municipality

- (6) Where a combined separate school zone includes one or more urban municipalities, the board shall be composed of the same number of trustees as the separate school board of the urban municipality having the greatest population would have had under section 35, and the board shall be deemed to be an urban board and the zone shall be deemed to be an urban combined separate school zone.

R.S.O. 1960,
c. 368, s. 32,
amended

(3) The said section 32, as amended by section 4 of *The Separate Schools Amendment Act, 1961-62* and section 5 of *The Separate Schools Amendment Act, 1962-63*, is further amended by adding thereto the following subsections:

Electors'
qualifica-
tions,
urban
combined
separate
school zone

- (8) Every person,

- (a) who resides in an urban municipality in an urban combined separate school zone and is

entitled to vote at the election of trustees under section 41; or

- (b) who resides in a township or territory without municipal organization in an urban combined separate school zone and would be entitled to vote at the election of trustees under section 26 if the combined separate school were a rural separate school,

is entitled to vote at the election of trustees of the combined separate school and on any school question.

- (9) Every person who resides in a rural combined separate school zone and is entitled to vote at the election of trustees under section 26 is entitled to vote at the election of trustees of the combined separate school and, subject to subsection 2 of section 26, on any school question. Electors' qualifications, rural combined separate school zone

7. Sections 38 and 39 of *The Separate Schools Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 368, ss. 38, 39, re-enacted

- 38.—(1) Subject to section 39, the voting for the election of trustees of an urban separate school board and for all urban school purposes shall be by ballot. Voting to be by ballot
- (2) Within three days of a request in writing of the board of an urban separate school zone, the clerk of the urban municipality shall furnish to the board, Voters' list for urban school zone
 - (a) where the municipality is divided into wards, the voters' list of each ward; or
 - (b) where the municipality is not divided into wards, the voters' list of each polling subdivision in the municipality,

indicating the names of all persons thereon who are separate school supporters.

- (3) Where an urban separate school zone includes an urban municipality and part of another municipality, Where zone includes urban municipality and part of another municipality
 - (a) within three days of a request in writing of the board of the urban separate school zone, the clerk of the other municipality shall furnish to the board a list of voters of the part of the municipality included in the urban

separate school zone, indicating the names of all persons thereon who are separate school supporters; and

- (b) a person who is entitled to vote at the election of trustees of the board and who resides outside the urban municipality is entitled to vote in that ward or division of the urban municipality in which the school house is situate that is nearest to his place of residence.

Voters' list for combined separate school zone

- (4) Within three days of a request in writing of a board of a combined separate school zone, the clerk of each municipality, all or part of which is included in the combined separate school zone, shall furnish to the board a list of voters of the municipality or part indicating the names of all persons thereon who are separate school supporters.

Adoption of municipal elections

- 39.—(1) An urban separate school board may, by resolution passed between the 1st day of May and the 1st day of October in any year, require the vote for the election of trustees to be conducted in the same manner as municipal elections in the municipality in which the separate school is situate, or, in the case of a combined separate school zone that includes one or more urban municipalities, in the urban municipality that has the greatest population.

Discontinuation

- (2) The board may in like manner discontinue the voting conducted in the manner of municipal elections.

When manner of voting may be changed

- (3) Where the board requires the vote to be conducted in the same manner as municipal elections and elections are so held, no change in the mode of voting shall be made unless the board has been elected by the same mode for a period of four years.

Time and place, etc., of elections

- (4) Where a resolution is passed in any year under subsection 1,

- (a) the election of trustees in that year and in subsequent years shall be held at the same place and time and conducted by the same officers and in the same manner as municipal elections in the municipality in which the vote is to be conducted;

- (b) the meeting of the supporters of the urban or combined separate school for the nomination

of candidates shall be held on the same day as the meeting for the nomination of candidates for council;

(c) the board shall advertise in each of its schools the place and time of the nomination meeting, and the secretary of the board shall report the names of the nominees to the clerk of the municipality in which the vote is to be conducted;

(d) in the case of a combined separate school zone, the clerk of each municipality, all or part of which is included in the combined separate school zone, except the municipality in which the vote is to be conducted, shall furnish to the clerk of the municipality in which the vote is to be conducted a list of voters of the municipality or part included in the combined separate school zone, indicating the names of all persons thereon who are separate school supporters;

(e) the provisions of *The Municipal Act* with ^{R.S.O. 1960, c. 249} respect to elections, except with respect to the nomination of candidates, apply *mutatis mutandis*, except that the oath to be taken by a voter shall be in the form prescribed in clause *a* of section 40.

8. Clause *a* of section 40 of *The Separate Schools Act* is ^{R.S.O. 1960, c. 368, s. 40, cl. a, amended} amended by striking out "That you are a ratepayer" in the fifth line and by adding after "supporter" in the seventh line "or that you are a Roman Catholic and the wife or husband of a Roman Catholic separate school supporter".

9. Section 41 of *The Separate Schools Act* is amended by ^{R.S.O. 1960, c. 368, s. 40, amended} striking out "cities and towns" in the first line and inserting in lieu thereof "urban municipalities", so that the section shall read as follows:

41. In urban municipalities, every person whose name is ^{Election of trustees, who may vote} on the voters' list as entitled to vote at municipal elections and who is a supporter of separate schools for Roman Catholics, or who, being a Roman Catholic, is the wife or husband of a supporter of such separate schools, is entitled to vote at the election of trustees of the separate schools.

R.S.O. 1960,
c. 368, s. 49
(1962-63,
c. 132, s. 8),
amended

10. Section 49 of *The Separate Schools Act*, as re-enacted by section 8 of *The Separate Schools Amendment Act, 1962-63* and amended by section 7 of *The Separate Schools Amendment Act, 1964*, is further amended by adding thereto the following subsection:

All parts of
zone to be
adjoining

- (4) The boundaries of a separate school zone as determined by the inspector or altered by a judge shall follow one continuous line so that all parts of the zone are adjoining.

R.S.O. 1960,
c. 368, s. 62,
subs. 2,
re-enacted

11. Subsection 2 of section 62 of *The Separate Schools Act* is repealed and the following substituted therefor:

Expenses of
collection

- (2) Any expenses attending the assessment, collection or payment of school rates by the municipal corporation shall be borne by the corporation, and the rates and taxes collected for separate school purposes shall be paid by the corporation to the treasurer of the board from time to time as may be required by the board on the warrant of the proper inspector and in any event not later than the 15th day of December in the year in which the rates are levied.

R.S.O. 1960,
c. 368, s. 66,
subs. 6,
amended

12. Subsection 6 of section 66 of *The Separate Schools Act* is amended by striking out "Before any such by-law is acted upon, notice of the passing of the by-law shall be published for three consecutive weeks in a newspaper having general circulation in the area within three miles of the separate school stating" in the first, second, third and fourth lines and inserting in lieu thereof "Before a by-law for borrowing money for a permanent improvement is acted upon, notice of the passing of the by-law shall be published for three consecutive weeks in a newspaper having general circulation within the separate school zone stating", so that the subsection shall read as follows:

Publication
of notice
of by-law

- (6) Before a by-law for borrowing money for a permanent improvement is acted upon, notice of the passing of the by-law shall be published for three consecutive weeks in a newspaper having general circulation within the separate school zone stating,
- (a) the purpose for which the money is to be borrowed;
 - (b) the amount to be borrowed and the security therefor;
 - (c) the terms of repayment including the rate of interest,

and, if no application to quash the by-law is made for three months after publication of notice of the passing thereof, the by-law is valid notwithstanding any want of substance or form in the by-law or in the time or manner of passing the by-law.

13.—(1) This Act, except section 3, comes into force on the day it receives Royal Assent. <sup>Commence-
ment</sup>

(2) Section 3 comes into force on the 1st day of January, ^{Idem} 1966.

14. This Act may be cited as *The Separate Schools Amendment Act, 1965*. ^{Short title}

An Act to amend The Separate Schools Act

1st Reading

March 31st, 1965

2nd Reading

April 13th, 1965

3rd Reading

June 21st, 1965

MR. DAVIS

BILL 90

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Secondary Schools and Boards of Education Act

MR. DAVIS

EXPLANATORY NOTES

SECTION 1. The purpose of the amendment is to remove the condition that all parts of a high school district in the territorial districts must be adjoining.

SECTION 2—Subsection 1. Subsection 1a is re-enacted to require the county to attach to a high school district any municipality or part that by reason of the alteration of boundaries of a continuation school district or the dissolution of a continuation school board ceases to be included in a secondary school district.

BILL 90

1965

An Act to amend The Secondary Schools and Boards of Education Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 8 of *The Secondary Schools and Boards of Education Act* is amended by adding at the commencement thereof "Except in a territorial district" and by striking out "or in a territorial district" in the tenth line, so that the subsection shall read as follows:

R.S.O. 1960,
c. 362, s. 8,
subs. 1,
amended

- (1) Except in a territorial district, no high school district shall be established, nor shall the boundaries of an existing high school district be altered, so as to result in a district in which all the municipalities, or parts of municipalities, included in the district are not adjoining, or to result in a district comprising less than sixteen school sections and former school sections, unless the enrolment during the preceding calendar year of public and separate school pupils in the area to be included in the district is 600 or more, or the district is established under subsection 5 of section 12, or is on an island.

Minimum
size of
districts

2.—(1) Subsection 1a of section 12 of *The Secondary Schools and Boards of Education Act*, as enacted by section 3 of *The Secondary Schools and Boards of Education Amendment Act, 1964*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 362, s. 12,
subs. 1a
(1964,
c. 106, s. 3),
re-enacted

- (1a) Where in any year as a result of the alteration of the boundaries of a continuation school district or the dissolution of a continuation school board the whole or any part of a municipality in a county ceases to be included in a secondary school district, the council of the county in which the municipality or part is situate shall, by by-law passed before the 1st day of July in the following year, attach such municipality or part to a high school district in accordance with

Attachment
of continua-
tion school
district or
parts to
high school
district

subsection 1 of section 8, and such by-law shall become effective, notwithstanding section 20, on the 1st day of January next following the passing of the by-law.

R.S.O. 1960,
c. 362, s. 12,
subs. 3,
re-enacted

(2) Subsection 3 of the said section 12 is repealed and the following substituted therefor:

In territorial
districts

- (3) Subject to the approval of the Minister first being obtained, the council of a municipality or the councils of two or more municipalities in a territorial district may pass by-laws establishing the whole or any part of the municipality or municipalities as a new high school district, and the council of a municipality or the councils of two or more municipalities in a territorial district may in like manner discontinue any high school district already established and shall add the municipalities or parts of municipalities comprised in the district so discontinued to one or more other high school districts or include such municipalities or parts in one or more new high school districts.

R.S.O. 1960,
c. 362, s. 12,
subs. 4,
amended

(3) Subsection 4 of the said section 12 is amended by striking out "an adjoining" in the third line and inserting in lieu thereof "a", so that the subsection shall read as follows:

In
unorganized
territory

- (4) The Lieutenant Governor in Council may establish any area in territory without municipal organization, or any such area and a municipality or municipalities or any part or parts thereof, as a high school district, and may discontinue or decrease or increase the area of any such high school district, and, if any such high school district is discontinued or the area is decreased or increased, the assets and liabilities of the board shall be adjusted or disposed of as determined by the Ontario Municipal Board.

R.S.O. 1960,
c. 362, s. 13,
subs. 2,
amended

3. Subsection 2 of section 13 of *The Secondary Schools and Boards of Education Act* is amended by striking out "adjoining" in the second line, so that the subsection shall read as follows:

In
territorial
districts

- (2) Subject to the approval of the Minister, the council of a municipality or the councils of two or more municipalities, in a territorial district, may pass by-laws providing that the whole or any part of such municipality or municipalities shall be added to a high school district that has been established in one or more of such municipalities.

Subsections 2 and 3. The purpose of these amendments is to remove the condition that all parts of a high school district in the territorial districts must be adjoining and to provide for the discontinuation of a high school district in the territorial districts.

SECTION 3. The purpose of this amendment is to remove the condition that all parts of a high school district in the territorial districts must be adjoining.

SECTION 4. The clause is re-enacted to permit secondary school trustees to be appointed to local boards.

SECTION 5. The amendment provides that, where a small part of a municipality is included in a high school district, it shall not be deemed a municipality for the purpose of altering the number of trustees to be appointed.

SECTION 6. Where a council, or a majority of councils where more than one is concerned, disapproves of an application by a board for the issue of debentures, the board may require the council to submit the application to a vote of the electors.

The amendments are to make it clear that such application is to be submitted to a vote of the electors qualified to vote on money by-laws.

4. Clause *a* of subsection 2 of section 21 of *The Secondary Schools and Boards of Education Act*, as re-enacted by section 5 of *The Secondary Schools and Boards of Education Amendment Act, 1962-63* and amended by section 4 of *The Secondary Schools and Boards of Education Amendment Act, 1964*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 362, s. 21
(1962-63,
c. 130, s. 5),
subs. 2,
cl. a,
re-enacted

(a) who is,

- (i) a member of any other elementary or secondary school board, or
- (ii) a member of the council of a municipality or county all or part of which is included in the high school district, or
- (iii) an elected member of a local board of a municipality or county all or part of which is included in the high school district,

unless before the opening of the nomination meeting he has filed his resignation with the secretary of the other school board or with the clerk of the municipality or county, as the case may be.

5. Subsection 3 of section 22 of *The Secondary Schools and Boards of Education Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 362, s. 22,
subs. 3,
re-enacted

- (3) Where a part of a municipality is included in a high school district and the assessment for secondary school purposes in such part is less than 10 per cent of the total assessment for secondary school purposes in the municipality, such part shall not be deemed a municipality for the purposes of subsections 1 and 2.

Parts of
municipality
not rated
for trustee

6.—(1) Subsection 5 of section 31 of *The Secondary Schools and Boards of Education Act* is amended by inserting after “be” in the sixth line “who are qualified under *The Municipal Act* to vote on money by-laws”, so that the subsection shall read as follows:

R.S.O. 1960,
c. 362, s. 31,
subs. 5,
amended

- (5) If the council, or half or a majority of the councils where there are more than one, disapproves of the application, the council or each of the councils on the request of the board shall submit the application to a vote of the electors of its municipality, or of the part thereof included in the high school district, as the case may be, who are qualified under *The Municipal Act* to vote on money by-laws, in the manner provided by *The Municipal Act* in the case of a money by-law.

Submission
of applica-
tion to
electors

R.S.O. 1960,
c. 249

R.S.O. 1960,
c. 362, s. 31,
subs. 6,
amended

(2) Subsection 6 of the said section 31 is amended by inserting after "electors" in the third line "qualified to vote on money by-laws", so that the subsection shall read as follows:

When vote
to be held

- (6) Where the board requests that the application be submitted by the council or each of the councils, as the case may be, to a vote of the electors qualified to vote on money by-laws, unless the board otherwise agrees, the vote shall be held within ninety days of the receipt of the request from the board.

R.S.O. 1960,
c. 362, s. 34,
re-enacted

7. Section 34 of *The Secondary Schools and Boards of Education Act*, as amended by section 3 of *The Secondary Schools and Boards of Education Amendment Act, 1961-62*, is repealed and the following substituted therefor:

Estimates

34.—(1) Every high school board in each year shall prepare and adopt and submit to the council of each municipality, all or part of which is included in the high school district, on or before such time as the council may prescribe, estimates of all sums required during the year for the purposes of the board, and such estimates,

- (a) shall set forth the estimated revenues and expenditures of the board;
- (b) shall make due allowance for a surplus of any previous year that will be available during the current year;
- (c) shall provide for any deficit of any previous year;
- (d) may provide for expenditures for permanent improvements, provided that the total of expenditures for permanent improvements referred to in subparagraphs i, ii, iii, v and vii of paragraph 25 of subsection 2 of section 1 of *The Schools Administration Act* shall not exceed a sum calculated at two mills in the dollar upon the total assessment of the high school district according to the last revised assessment roll, and for further expenditures if such further expenditures are approved in the manner provided for approving debentures for permanent improvements;
- (e) may provide for a reserve for working funds of a sum not in excess of 5 per cent of the expenditures of the board for the preceding

R.S.O. 1960
c. 361

SECTION 7. The provisions respecting estimates of a board are revised to make them uniform for all public and secondary school boards. Clause *e* is new.

SECTION 8. Section 35 provides a method for determining the proportionate liability of the municipalities that form part of a high school district. This is based on the equalized assessment of municipalities that form part of a county for municipal purposes and on actual assessment of cities and separated towns and municipalities in the territorial districts. The amendments provide for adjusting the assessment by the application of the latest equalization factors in cases where cities or separated towns or municipalities in territorial districts are concerned and where two or more counties are concerned.

At present, the assessors of the municipalities in a high school district act as arbitrators to determine the proportion of liability each municipality shall bear. Where a county assessment commissioner has been appointed, he is the assessor for all municipalities in the county and, under the present section 35, he would be a sole arbitrator. The section is, therefore, amended to provide that the treasurers of the municipalities concerned will be arbitrators.

year, but, where the sum accumulated in the reserve is equal to or more than 20 per cent of such expenditures, no further sum shall be provided.

- (2) The council of each municipality, all or part of which is included in a high school district, shall levy and collect each year and transfer to the high school board from time to time as required, but not later than the 15th day of December, such amount as may be required by the board for its purposes during the year, and such amount shall be apportioned and raised in the manner provided in sections 35 and 36 with respect to liability for debenture debt. Rates for current purposes

8.—(1) Subsections 2 and 3 of section 35 of *The Secondary Schools and Boards of Education Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 362, s. 35, subss. 2, 3, re-enacted

- (2) Where a high school district comprises a city or separated town and one or more other municipalities or parts thereof that form part of a county for municipal purposes, each municipality is liable for such proportion of the principal and interest payable under the debentures and of the expenses connected therewith as the assessment of the city, separated town or other municipality or part, as the case may be, as adjusted by the application of the equalization factor bears to the assessment of all the municipalities and parts in the high school district as adjusted by the application of the equalization factors, and the council of each municipality shall levy on the property rateable for school purposes in the municipality or part and pay its proportion to the municipality that has issued the debentures. Where city or separated town in high school district

- (2a) Where a high school district comprises two or more counties or parts thereof, the assessments of the municipalities or parts thereof included in the high school district shall, for the purposes of subsections 1 and 2, be adjusted by the application of the equalization factors. Where high school district in more than one county

- (3) Where a high school district comprises two or more municipalities or parts thereof in a territorial district, each municipality is liable for such proportion of the principal and interest payable under the debentures and of the expenses connected therewith as the assessment of the municipality or part as adjusted by the application of the equalization factor bears Municipalities in territorial districts

to the assessment of all the municipalities and parts in the high school district as adjusted by the application of the equalization factors, and the council of each municipality shall levy on the property rateable for school purposes in the municipality or part and pay its proportion to the municipality that has issued the debentures.

R.S.O. 1960,
c. 362, s. 35,
subs. 6,
re-enacted

▼ (2) Subsection 6 of the said section 35, as amended by subsection 1 of section 6 of *The Secondary Schools and Boards of Education Amendment Act, 1964*, is repealed and the following substituted therefor:

Request for
arbitration
where all
municipal-
ities form
part of one
county

(6) Where the council of a municipality in a high school district that comprises only municipalities or parts thereof that form part of one county for municipal purposes is of the opinion that the division of liability in accordance with subsection 1 or 5 imposes an undue burden on the ratepayers of the municipality or part, subject to subsection 12, the council may apply to the board of the high school district before the 1st day of September in the year in which the assessment has been equalized or, where an appeal has been made under section 96 of *The Assessment Act* with respect to such equalized assessment, within fifteen days of the final determination of such appeal for an arbitration to determine the proportion of liability each municipality shall bear in the following year.

R.S.O. 1960,
c. 23

R.S.O. 1960,
c. 362, s. 35,
subs. 6a
(1964,
c. 106, s. 6,
subs. 2),
re-enacted

(3) Subsection 6a of the said section 35, as enacted by subsection 2 of section 6 of *The Secondary Schools and Boards of Education Amendment Act, 1964*, is repealed and the following substituted therefor:

Where city,
separated
town,
counties, or
municipal-
ities in
territorial
district,
concerned

(6a) Except as provided in subsection 6 and subject to subsection 12, where the council of a municipality is of the opinion that the division of liability in accordance with subsection 1, 2, 3 or 5 imposes an undue burden on the ratepayers of the municipality or part, the council may apply to the board of the high school district before the 1st day of September in the year preceding the year in which the proportion to be determined will be payable for an arbitration to determine the proportion of liability each municipality shall bear in the following year.

R.S.O. 1960,
c. 362, s. 35,
subs. 7,
re-enacted

(4) Subsection 7 of the said section 35 is repealed and the following substituted therefor:

SECTION 9. At present, the assessors of municipalities in a high school district that includes unorganized territory act as arbitrators to determine the proportion of liability each municipality and the territory without municipal organization shall bear. Where a district assessor is appointed for all municipalities, he would be a single arbitrator. The subsection is, therefore, amended to provide that the treasurers of the municipalities and the assessor of the unorganized part shall be arbitrators.

- (7) Upon receipt of the application, the board shall ^{Arbitrators} direct its secretary to call a meeting of the treasurers of the municipalities within or partly within the district, and the county treasurers of the county or counties within which the municipalities forming part of a county for municipal purposes are situated, and these treasurers shall be arbitrators to determine the proportion of liability each municipality shall bear.

- (5) Subsection 8 of the said section 35 is repealed.

R.S.O. 1960,
c. 362, s. 35,
subs. 8,
repealed

- (6) Subsection 11 of the said section 35 is amended by inserting after "assessments" in the third line "as adjusted by the equalization factors", so that the subsection shall read as follows:

R.S.O. 1960,
c. 362, s. 35,
subs. 11,
amended

- (11) In considering the proportion of liability that each municipality shall bear, the arbitrators and the Ontario Municipal Board may have regard to the assessments as adjusted by the equalization factors and equalized assessments, the location of the school and the use that will be made of it, the relative populations of the municipalities, transportation costs, and any other matter that in their or its view should be considered in order to result in an equitable apportionment of liability.

Considera-
tions in
determining
liability

- (7) Subsection 13 of the said section 35 is repealed and the following substituted therefor:

R.S.O. 1960,
c. 362, s. 35,
subs. 13,
re-enacted

- (13) In this section,

Interpre-
tation

- (a) "assessment" means the assessment upon which taxes are levied in the year preceding the year in which the proportion to be determined will be payable;
- (b) "equalization factor" means the latest equalization factor provided by the Department of Municipal Affairs;
- (c) "equalized assessment" means the assessment as equalized in the year preceding the year in which the proportion to be determined will be payable.

9. Subsection 1 of section 36 of *The Secondary Schools and Boards of Education Act* is amended by striking out "assessors of the municipalities and" in the third line and inserting in lieu thereof "treasurers of the municipalities and the assessor for", so that the subsection shall read as follows:

R.S.O. 1960,
c. 362, s. 36,
subs. 1,
amended

Proportion
of liability
in high
school
district
that includes
unorganized
territory

- (1) Where a high school district comprises part or all of one or more municipalities and territory without municipal organization, the treasurers of the municipalities and the assessor for the territory without municipal organization shall be arbitrators who shall meet before the 1st day of December at the call of the secretary of the board and determine the portion of the amounts under subsection 2 of section 34 and the principal and interest payable under any debentures and expenses connected therewith that shall be raised commencing in the following year by assessment on the ratepayers of each municipality and the territory without municipal organization.

R.S.O. 1960,
c. 362, s. 42,
amended

10. Section 42 of *The Secondary Schools and Boards of Education Act*, as amended by section 4 of *The Secondary Schools and Boards of Education Amendment Act, 1961-62* and section 8 of *The Secondary Schools and Boards of Education Amendment Act, 1964*, is further amended by adding thereto the following subsection:

Appoint-
ments from
other
occupations

- (5a) Where, in the opinion of a board, representation on a committee would be desirable from any business or occupation not referred to in subsection 3, 4 or 5, the board may appoint, in lieu of a person referred to in clause *b* or *c* of subsection 3, 4 or 5, an employee or an employer or director of a company, as the case may be, engaged in such business or occupation.

R.S.O. 1960,
c. 362, s. 46,
subs. 6,
repealed

11. Subsection 6 of section 46 of *The Secondary Schools and Boards of Education Act* is repealed.

R.S.O. 1960,
c. 362, s. 63,
subss. 4, 5,
repealed

12. Subsections 4 and 5 of section 63 of *The Secondary Schools and Boards of Education Act* are repealed.

R.S.O. 1960,
c. 362, s. 66,
subs. 2,
amended

13. Subsection 2 of section 66 of *The Secondary Schools and Boards of Education Act* is amended by inserting after "municipality" in the first line "having a population of 2,000 or more" and by striking out "may" in the third line and inserting in lieu thereof "shall", so that the subsection shall read as follows:

Idem

- (2) The council of a municipality having a population of 2,000 or more in a territorial district which, or part of which, has not been established as or included in a secondary school district shall enter into an agreement with a secondary school board to provide for the instruction, in the school or schools maintained by the board, of the pupils of the municipality or part of the municipality.

SECTION 10. Appointments may now be made to advisory vocational committees from any manufacturing, agricultural, commercial or other industry. The amendment will authorize boards to appoint persons from any other business or occupation if the board is of the opinion that this would be desirable.

SECTION 11. The provision repealed provides for the appointment of guidance teachers by advisory vocational committees. Paragraph 25 of section 35 of *The Schools Administration Act* authorizes boards to make such appointments.

SECTION 12. The provisions respecting the appointment and removal of directors are transferred to Part VII of *The Schools Administration Act*, which deals with supervisory officers.

SECTION 13. At present, where the whole or part of a municipality in a territorial district is not included in a secondary school district, the council may enter into an agreement with a secondary school board to provide instruction. This is now limited by regulation to municipalities of 2,000 or more population. The amendment includes the limitation in the Act and requires such municipalities to enter into such agreements.

SECTION 14. The provisions for calculating fees for pupils are transferred to *The Schools Administration Act*, and a common method for determining fees is provided.

14.—(1) Subsection 2 of section 70 of *The Secondary Schools and Boards of Education Act*, as re-enacted by subsection 1 of section 17 of *The Secondary Schools and Boards of Education Amendment Act, 1964*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 362, s. 70,
subs. 2
(1964,
c. 106, s. 17,
subs. 1),
re-enacted

- (2) Where a resident pupil of a secondary school district attends a secondary school in another secondary school district pursuant to an agreement under subsection 2 of section 30 or under subsection 1 of section 66 or which he has a right to attend under subsection 2 of section 68, the board of the secondary school district of which he is a resident pupil shall pay fees to the board that operates the secondary school attended by the pupil, calculated in accordance with the subsection 1 of section 100a of *The Schools Administration Act*.

Fees
payable

R.S.O. 1960,
c. 361

(2) Subsections 3 and 4 of the said section 70, as amended by subsections 2 and 3 of section 17 of *The Secondary Schools and Boards of Education Amendment Act, 1964*, are repealed and the following substituted therefor:

R.S.O. 1960,
c. 362, s. 70,
subs. 3, 4,
re-enacted

- (3) Where a pupil attends a secondary school pursuant to an agreement under subsection 2 of section 66, the council of the municipality shall pay fees to the board that operates the secondary school as provided in subsection 3 of section 100a of *The Schools Administration Act*.

Idem

- (4) Where a pupil other than one referred to in subsection 1, 2 or 3 attends a secondary school, the board that operates such school may require a fee to be paid by or on behalf of the pupil as provided in subsection 3 of section 100a of *The Schools Administration Act*.

Idem

(3) Subsection 5 of the said section 70, as re-enacted by section 7 of *The Secondary Schools and Boards of Education Amendment Act, 1960-61*, is repealed.

R.S.O. 1960,
c. 362, s. 70,
subs. 5
(1960-61,
c. 93, s. 7),
repealed

(4) Subsection 6 of the said section 70, as amended by subsection 4 of section 17 of *The Secondary Schools and Boards of Education Amendment Act, 1964*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 362, s. 70,
subs. 6,
re-enacted

- (6) Notwithstanding section 68, where a pupil,

Limitation
on right
to attend
without pay-
ment of fee

- (a) has completed grade 8; and

- (b) has attended one or more secondary schools for a total of six or more years,

he shall not be admitted to a secondary school except upon the payment of a fee as provided in subsection 4 of section 100a of *The Schools Administration Act*.

R.S.O. 1960,
c. 361

R.S.O. 1960,
c. 362, s. 71,
subss. 1, 2,
re-enacted

15. Subsections 1 and 2 of section 71 of *The Secondary Schools and Boards of Education Act* are repealed and the following substituted therefor:

Admission
of ward of
children's
aid society

- (1) Subject to subsection 1a, a ward of a children's aid society who has been promoted or transferred to a secondary school shall be admitted, without the payment of a fee, to a secondary school by the board of the secondary school district that was supported by the assessment of the residence in which he resided with his parent or guardian in the year in which he became a ward or, where no secondary school is maintained in the district, to a secondary school pursuant to an agreement under subsection 2 of section 30.

Where ward
placed for
adoption

- (1a) A ward of a children's aid society who has been promoted or transferred to a secondary school and who has been placed for adoption on a probationary basis shall be admitted, without the payment of a fee, to a secondary school by the board of the secondary school district that is supported by the assessment of the residence in which he resides with his adoptive parent or, where no secondary school is maintained in the district, to a secondary school pursuant to an agreement under subsection 2 of section 30, upon receipt from the children's aid society of a certificate that he has been so placed for adoption.

Where fee
payable

- (2) Where a child who has been promoted or transferred to a secondary school and who is in the custody of a corporation, society or person resides in a secondary school district and is not qualified for admission to a secondary school in that district under any other provision of this Act or pursuant to an agreement under subsection 2 of section 30 and the secondary school inspector certifies that there is sufficient accommodation in a secondary school in that secondary school district or pursuant to an agreement under subsection 2 of section 30 for the current school year, the board of the district,

SECTION 15. Subsections 1 and 2 are re-enacted to provide for the admission of children in the custody of a children's aid society to a secondary school where one is not maintained in the secondary school district in which the custodian is resident.

Subsection 1*a* is new and is self-explanatory.



or the board of the secondary school district with which an agreement has been made under subsection 2 of section 30, shall admit the child to a secondary school upon the prepayment monthly by the corporation, society or person of a fee as provided in subsection 3 of section 100a of *The Schools Administration Act*. R.S.O. 1960,
c. 361

16.—(1) This Act, except section 7, subsection 1 of section 8 and sections 14 and 15, comes into force on the day it receives Royal Assent. Commence-
ment

(2) Sections 14 and 15 come into force on the 1st day of September, 1965. Idem

(3) Section 7 and subsection 1 of section 8 come into force on the 1st day of January, 1966. Idem

17. This Act may be cited as *The Secondary Schools and Boards of Education Amendment Act, 1965*. Short title

An Act to amend The Secondary Schools
and Boards of Education Act

1st Reading

March 31st, 1965

2nd Reading

3rd Reading

MR. DAVIS

BILL 90

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Secondary Schools and Boards of Education Act

MR. DAVIS

*(Reprinted as amended by the Committee on Education,
Health and Welfare)*

EXPLANATORY NOTES

SECTION 1. The purpose of the amendment is to remove the condition that all parts of a high school district in the territorial districts must be adjoining.

SECTION 2—Subsection 1. Subsection 1a is re-enacted to require the county to attach to a high school district any municipality or part that by reason of the alteration of boundaries of a continuation school district or the dissolution of a continuation school board ceases to be included in a secondary school district.

BILL 90

1965

An Act to amend The Secondary Schools and Boards of Education Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 8 of *The Secondary Schools and Boards of Education Act* is amended by adding at the commencement thereof "Except in a territorial district" and by striking out "or in a territorial district" in the tenth line, so that the subsection shall read as follows: R.S.O. 1960,
c. 362, s. 8,
subs. 1,
amended

- (1) Except in a territorial district, no high school district shall be established, nor shall the boundaries of an existing high school district be altered, so as to result in a district in which all the municipalities, or parts of municipalities, included in the district are not adjoining, or to result in a district comprising less than sixteen school sections and former school sections, unless the enrolment during the preceding calendar year of public and separate school pupils in the area to be included in the district is 600 or more, or the district is established under subsection 5 of section 12, or is on an island. Minimum
size of
districts

2.—(1) Subsection 1a of section 12 of *The Secondary Schools and Boards of Education Act*, as enacted by section 3 of *The Secondary Schools and Boards of Education Amendment Act, 1964*, is repealed and the following substituted therefor: R.S.O. 1960,
c. 362, s. 12,
subs. 1a
(1964,
c. 106, s. 3),
re-enacted

- (1a) Where in any year as a result of the alteration of the boundaries of a continuation school district or the dissolution of a continuation school the whole or any part of a municipality in a county ceases to be included in a secondary school district, the council of the county in which the municipality or part is situate shall, by by-law passed before the 1st day of July in any year, attach such municipality or part to a high school district in accordance with subsection 1 Attachment
of continua-
tion school
district or
parts to
high school
district

of section 8, and such by-law shall become effective, notwithstanding section 20, on the 1st day of January next following the 31st day of December on which the alteration or dissolution is effective.

R.S.O. 1960,
c. 362, s. 12,
subs. 3,
re-enacted

(2) Subsection 3 of the said section 12 is repealed and the following substituted therefor:

In terri-
torial
districts

(3) Subject to the approval of the Minister first being obtained, the council of a municipality or the councils of two or more municipalities in a territorial district may pass by-laws establishing the whole or any part of the municipality or municipalities as a new high school district, and the council of a municipality or the councils of two or more municipalities in a territorial district may in like manner discontinue any high school district already established and shall add the municipalities or parts of municipalities comprised in the district so discontinued to one or more other high school districts or include such municipalities or parts in one or more new high school districts.

R.S.O. 1960,
c. 362, s. 12,
subs. 4,
amended

(3) Subsection 4 of the said section 12 is amended by striking out "an adjoining" in the third line and inserting in lieu thereof "a", so that the subsection shall read as follows:

In
unorganized
territory

(4) The Lieutenant Governor in Council may establish any area in territory without municipal organization, or any such area and a municipality or municipalities or any part or parts thereof, as a high school district, and may discontinue or decrease or increase the area of any such high school district, and, if any such high school district is discontinued or the area is decreased or increased, the assets and liabilities of the board shall be adjusted or disposed of as determined by the Ontario Municipal Board.

R.S.O. 1960,
c. 362, s. 13,
subs. 2,
amended

3. Subsection 2 of section 13 of *The Secondary Schools and Boards of Education Act* is amended by striking out "adjoining" in the second line, so that the subsection shall read as follows:

In
territorial
districts

(2) Subject to the approval of the Minister, the council of a municipality or the councils of two or more municipalities, in a territorial district, may pass by-laws providing that the whole or any part of such municipality or municipalities shall be added to a high school district that has been established in one or more of such municipalities.

Subsections 2 and 3. The purpose of these amendments is to remove the condition that all parts of a high school district in the territorial districts must be adjoining and to provide for the discontinuation of a high school district in the territorial districts.

SECTION 3. The purpose of this amendment is to remove the condition that all parts of a high school district in the territorial districts must be adjoining.

SECTION 4. The clause is re-enacted to permit secondary school trustees to be appointed to local boards.

SECTION 5. The amendment provides that, where a small part of a municipality is included in a high school district, it shall not be deemed a municipality for the purpose of altering the number of trustees to be appointed.

SECTION 6. Where a council, or a majority of councils where more than one is concerned, disapproves of an application by a board for the issue of debentures, the board may require the council to submit the application to a vote of the electors.

The amendments are to make it clear that such application is to be submitted to a vote of the electors qualified to vote on money by-laws.

4. Clause *a* of subsection 2 of section 21 of *The Secondary Schools and Boards of Education Act*, as re-enacted by section 5 of *The Secondary Schools and Boards of Education Amendment Act, 1962-63* and amended by section 4 of *The Secondary Schools and Boards of Education Amendment Act, 1964*, is repealed and the following substituted therefor:

(a) who is,

- (i) a member of any other elementary or secondary school board, or
- (ii) a member of the council of a municipality or county all or part of which is included in the high school district, or
- (iii) an elected member of a local board of a municipality or county all or part of which is included in the high school district,

unless before the opening of the nomination meeting he has filed his resignation with the secretary of the other school board or with the clerk of the municipality or county, as the case may be.

5. Subsection 3 of section 22 of *The Secondary Schools and Boards of Education Act* is repealed and the following substituted therefor:

- (3) Where a part of a municipality is included in a high school district and the assessment for secondary school purposes in such part is less than 10 per cent of the total assessment for secondary school purposes in the municipality, such part shall not be deemed a municipality for the purposes of subsections 1 and 2.

6.—(1) Subsection 5 of section 31 of *The Secondary Schools and Boards of Education Act* is amended by inserting after “be” in the sixth line “who are qualified under *The Municipal Act* to vote on money by-laws”, so that the subsection shall read as follows:

- (5) If the council, or half or a majority of the councils where there are more than one, disapproves of the application, the council or each of the councils on the request of the board shall submit the application to a vote of the electors of its municipality, or of the part thereof included in the high school district, as the case may be, who are qualified under *The Municipal Act* to vote on money by-laws, in the manner provided by *The Municipal Act* in the case of a money by-law.

R.S.O. 1960,
c. 362, s. 31,
subs. 6,
amended

(2) Subsection 6 of the said section 31 is amended by inserting after "electors" in the third line "qualified to vote on money by-laws", so that the subsection shall read as follows:

When vote
to be held

(6) Where the board requests that the application be submitted by the council or each of the councils, as the case may be, to a vote of the electors qualified to vote on money by-laws, unless the board otherwise agrees, the vote shall be held within ninety days of the receipt of the request from the board.

R.S.O. 1960,
c. 362, s. 34,
re-enacted

7. Section 34 of *The Secondary Schools and Boards of Education Act*, as amended by section 3 of *The Secondary Schools and Boards of Education Amendment Act, 1961-62*, is repealed and the following substituted therefor:

Estimates

34.—(1) Every high school board in each year shall prepare and adopt and submit to the council of each municipality, all or part of which is included in the high school district, on or before such time as the council may prescribe, estimates of all sums required during the year for the purposes of the board, and such estimates,

(a) shall set forth the estimated revenues and expenditures of the board;

(b) shall make due allowance for a surplus of any previous year that will be available during the current year;

(c) shall provide for any deficit of any previous year;

(d) may provide for expenditures for permanent improvements, provided that the total of expenditures for permanent improvements referred to in subparagraphs i, ii, iii, v and vii of paragraph 25 of subsection 2 of section 1 of *The Schools Administration Act* shall not exceed a sum calculated at two mills in the dollar upon the total assessment of the high school district according to the last revised assessment roll, and for further expenditures if such further expenditures are approved in the manner provided for approving debentures for permanent improvements;

(e) may provide for a reserve for working funds of a sum not in excess of 5 per cent of the expenditures of the board for the preceding

R.S.O. 1960
c. 361

SECTION 7. The provisions respecting estimates of a board are revised to make them uniform for all public and secondary school boards. Clause *e* is new.

SECTION 8. Section 35 provides a method for determining the proportionate liability of the municipalities that form part of a high school district. This is based on the equalized assessment of municipalities that form part of a county for municipal purposes and on actual assessment of cities and separated towns and municipalities in the territorial districts. The amendments provide for adjusting the assessment by the application of the latest equalization factors in cases where cities or separated towns or municipalities in territorial districts are concerned and where two or more counties are concerned.

At present, the assessors of the municipalities in a high school district act as arbitrators to determine the proportion of liability each municipality shall bear. Where a county assessment commissioner has been appointed, he is the assessor for all municipalities in the county and, under the present section 35, he would be a sole arbitrator. The section is, therefore, amended to provide that the treasurers of the municipalities concerned will be arbitrators.

year, but, where the sum accumulated in the reserve is equal to or more than 20 per cent of such expenditures, no further sum shall be provided.

- (2) The council of each municipality, all or part of which is included in a high school district, shall levy and collect each year and transfer to the high school board from time to time as required, but not later than the 15th day of December, such amount as may be required by the board for its purposes during the year, and such amount shall be apportioned and raised in the manner provided in sections 35 and 36 with respect to liability for debenture debt.

8.—(1) Subsections 2 and 3 of section 35 of *The Secondary Schools and Boards of Education Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 362, s. 35, subss. 2, 3, re-enacted

- (2) Where a high school district comprises a city or separated town and one or more other municipalities or parts thereof that form part of a county for municipal purposes, each municipality is liable for such proportion of the principal and interest payable under the debentures and of the expenses connected therewith as the assessment of the city, separated town or other municipality or part, as the case may be, as adjusted by the application of the equalization factor bears to the assessment of all the municipalities and parts in the high school district as adjusted by the application of the equalization factors, and the council of each municipality shall levy on the property rateable for school purposes in the municipality or part and pay its proportion to the municipality that has issued the debentures. Where city or separated town in high school district

- (2a) Where a high school district comprises two or more counties or parts thereof, the assessments of the municipalities or parts thereof included in the high school district shall, for the purposes of subsections 1 and 2, be adjusted by the application of the equalization factors. Where high school district in more than one county

- (3) Where a high school district comprises two or more municipalities or parts thereof in a territorial district, each municipality is liable for such proportion of the principal and interest payable under the debentures and of the expenses connected therewith as the assessment of the municipality or part as adjusted by the application of the equalization factor bears Municipalities in territorial districts

to the assessment of all the municipalities and parts in the high school district as adjusted by the application of the equalization factors, and the council of each municipality shall levy on the property rateable for school purposes in the municipality or part and pay its proportion to the municipality that has issued the debentures.

R.S.O. 1960,
c. 362, s. 35,
subs. 6,
re-enacted

(2) Subsection 6 of the said section 35, as amended by subsection 1 of section 6 of *The Secondary Schools and Boards of Education Amendment Act, 1964*, is repealed and the following substituted therefor:

Request for
arbitration
where all
municipalities form
part of one
county

(6) Where the council of a municipality in a high school district that comprises only municipalities or parts thereof that form part of one county for municipal purposes is of the opinion that the division of liability in accordance with subsection 1 or 5 imposes an undue burden on the ratepayers of the municipality or part, subject to subsection 12, the council may apply to the board of the high school district before the 1st day of September in the year in which the assessment has been equalized or, where an appeal has been made under section 96 of *The Assessment Act* with respect to such equalized assessment, within fifteen days of the final determination of such appeal for an arbitration to determine the proportion of liability each municipality shall bear in the following year.

R.S.O. 1960,
c. 23

R.S.O. 1960,
c. 362, s. 35,
subs. 6a
(1964,
c. 106, s. 6,
subs. 2),
re-enacted

(3) Subsection 6a of the said section 35, as enacted by subsection 2 of section 6 of *The Secondary Schools and Boards of Education Amendment Act, 1964*, is repealed and the following substituted therefor:

Where city,
separated
town,
counties, or
municipalities in
territorial
district,
concerned

(6a) Except as provided in subsection 6 and subject to subsection 12, where the council of a municipality is of the opinion that the division of liability in accordance with subsection 1, 2, 3 or 5 imposes an undue burden on the ratepayers of the municipality or part, the council may apply to the board of the high school district before the 1st day of September in the year preceding the year in which the proportion to be determined will be payable for an arbitration to determine the proportion of liability each municipality shall bear in the following year.

R.S.O. 1960,
c. 362, s. 35,
subs. 7,
re-enacted

(4) Subsection 7 of the said section 35 is repealed and the following substituted therefor:

SECTION 9. At present, the assessors of municipalities in a high school district that includes unorganized territory act as arbitrators to determine the proportion of liability each municipality and the territory without municipal organization shall bear. Where a district assessor is appointed for all municipalities, he would be a single arbitrator. The subsection is, therefore, amended to provide that the treasurers of the municipalities and the assessor of the unorganized part shall be arbitrators.

- (7) Upon receipt of the application, the board shall ^{Arbitrators} direct its secretary to call a meeting of the treasurers of the municipalities within or partly within the district, and the county treasurers of the county or counties within which the municipalities forming part of a county for municipal purposes are situated, and these treasurers shall be arbitrators to determine the proportion of liability each municipality shall bear.

- (5) Subsection 8 of the said section 35 is repealed.

R.S.O. 1960,
c. 362, s. 35,
subs. 8,
repealed

- (6) Subsection 11 of the said section 35 is amended by inserting after "assessments" in the third line "as adjusted by the equalization factors", so that the subsection shall read as follows:

R.S.O. 1960,
c. 362, s. 35,
subs. 11,
amended

- (11) In considering the proportion of liability that each municipality shall bear, the arbitrators and the Ontario Municipal Board may have regard to the assessments as adjusted by the equalization factors and equalized assessments, the location of the school and the use that will be made of it, the relative populations of the municipalities, transportation costs, and any other matter that in their or its view should be considered in order to result in an equitable apportionment of liability.

Considerations in
determining
liability

- (7) Subsection 13 of the said section 35 is repealed and the following substituted therefor:

R.S.O. 1960,
c. 362, s. 35,
subs. 13,
re-enacted

- (13) In this section,

Interpre-
tation

- (a) "assessment" means the assessment upon which taxes are levied in the year preceding the year in which the proportion to be determined will be payable;
- (b) "equalization factor" means the latest equalization factor, based on the assessment referred to in clause a, provided by the Department of Municipal Affairs;
- (c) "equalized assessment" means the assessment as equalized in the year preceding the year in which the proportion to be determined will be payable.

- 9.** Subsection 1 of section 36 of *The Secondary Schools and Boards of Education Act* is amended by striking out "assessors of the municipalities and" in the third line and inserting in lieu thereof "treasurers of the municipalities and the assessor for", so that the subsection shall read as follows:

R.S.O. 1960,
c. 362, s. 36,
subs. 1,
amended

Proportion
of liability
in high
school
district
that includes
unorganized
territory

- (1) Where a high school district comprises part or all of one or more municipalities and territory without municipal organization, the treasurers of the municipalities and the assessor for the territory without municipal organization shall be arbitrators who shall meet before the 1st day of December at the call of the secretary of the board and determine the portion of the amounts under subsection 2 of section 34 and the principal and interest payable under any debentures and expenses connected therewith that shall be raised commencing in the following year by assessment on the ratepayers of each municipality and the territory without municipal organization.

R.S.O. 1960,
c. 362, s. 42,
amended

10.—(1) Section 42 of *The Secondary Schools and Boards of Education Act*, as amended by section 4 of *The Secondary Schools and Boards of Education Amendment Act, 1961-62* and section 8 of *The Secondary Schools and Boards of Education Amendment Act, 1964*, is further amended by adding thereto the following subsection:

Appoint-
ments from
other
occupations

- (5a) Where, in the opinion of a board, representation on a committee would be desirable from any business or occupation not referred to in subsection 3, 4 or 5, the board may appoint, in lieu of a person referred to in clause *b* or *c* of subsection 3, 4 or 5, an employee or an employer or director of a company, as the case may be, engaged in such business or occupation.

R.S.O. 1960,
c. 362, s. 42,
subs. 7
(1961-62,
c. 131, s. 4),
repealed

(2) Subsection 7 of the said section 42, as enacted by section 4 of *The Secondary Schools and Boards of Education Amendment Act, 1961-62*, is repealed.

R.S.O. 1960,
c. 362, s. 46,
subs. 6,
repealed

11. Subsection 6 of section 46 of *The Secondary Schools and Boards of Education Act* is repealed.

R.S.O. 1960,
c. 362, s. 51,
subs. 3,
amended

12. Subsection 3 of section 51 of *The Secondary Schools and Boards of Education Act* is amended by striking out "adjoining" in the third line, so that the subsection shall read as follows:

Board in
territorial
district

- (3) Subject to the approval of the Minister first being obtained, where a high school district has been established by two or more municipalities in a territorial district, the councils of the municipalities may, on or before the 1st day of July in any year, pass by-laws establishing a board of education for the district, whereupon the elective members of the board shall be elected at the next ensuing municipal election and the members to be appointed shall be appointed and the board organized in accordance with this Part.

SECTION 10—Subsection 1. Appointments may now be made to advisory vocational committees from any manufacturing, agricultural, commercial or other industry. The amendment will authorize boards to appoint persons from any other business or occupation if the board is of the opinion that this would be desirable.

Subsection 2. The provisions for honoraria and travelling expenses of members of advisory vocational committees are now included in section 36 of *The Schools Administration Act*. Subsection 7 is, therefore, repealed.

SECTION 11. The provision repealed provides for the appointment of guidance teachers by advisory vocational committees. Paragraph 25 of section 35 of *The Schools Administration Act* authorizes boards to make such appointments.

SECTION 12. This amendment is complementary to sections 2 and 3 of this Bill, which remove the condition that all parts of a high school district in the territorial districts must be adjoining.

SECTION 13. The provisions respecting the appointment and removal of directors are transferred to Part VII of *The Schools Administration Act*, which deals with supervisory officers.

SECTION 14. At present, where the whole or part of a municipality in a territorial district is not included in a secondary school district, the council may enter into an agreement with a secondary school board to provide instruction. This is now limited by regulation to municipalities of 2,000 or more population. The amendment includes the limitation in the Act and requires such municipalities to enter into such agreements.

SECTION 15. The provisions for calculating fees for pupils are transferred to *The Schools Administration Act*, and a common method for determining fees is provided.

13. Subsections 4 and 5 of section 63 of *The Secondary Schools and Boards of Education Act* are repealed. R.S.O. 1960,
c. 362, s. 63,
subss. 4, 5,
repealed

14. Subsection 2 of section 66 of *The Secondary Schools and Boards of Education Act* is amended by inserting after "municipality" in the first line "having a population of 2,000 or more" and by striking out "may" in the third line and inserting in lieu thereof "shall", so that the subsection shall read as follows: R.S.O. 1960,
c. 362, s. 66,
subss. 2,
amended

- (2) The council of a municipality having a population of 2,000 or more in a territorial district which, or part of which, has not been established as or included in a secondary school district shall enter into an agreement with a secondary school board to provide for the instruction, in the school or schools maintained by the board, of the pupils of the municipality or part of the municipality. Idem

15.—(1) Subsection 2 of section 70 of *The Secondary Schools and Boards of Education Act*, as re-enacted by subsection 1 of section 17 of *The Secondary Schools and Boards of Education Amendment Act, 1964*, is repealed and the following substituted therefor: R.S.O. 1960,
c. 362, s. 70,
subss. 2
(1964,
c. 106, s. 17,
subss. 1),
re-enacted

- (2) Where a resident pupil of a secondary school district attends a secondary school in another secondary school district pursuant to an agreement under subsection 2 of section 30 or under subsection 1 of section 66 or which he has a right to attend under subsection 2 of section 68, the board of the secondary school district of which he is a resident pupil shall pay fees to the board that operates the secondary school attended by the pupil, calculated in accordance with the subsection 1 of section 100a of *The Schools Administration Act*. Fees payable
R.S.O. 1960,
c. 361

(2) Subsections 3 and 4 of the said section 70, as amended by subsections 2 and 3 of section 17 of *The Secondary Schools and Boards of Education Amendment Act, 1964*, are repealed and the following substituted therefor: R.S.O. 1960,
c. 362, s. 70,
subss. 3, 4,
re-enacted

- (3) Where a pupil attends a secondary school pursuant to an agreement under subsection 2 of section 66, the council of the municipality shall pay fees to the board that operates the secondary school as provided in subsection 3 of section 100a of *The Schools Administration Act*. Idem

- (4) Where a pupil other than one referred to in subsection 1, 2 or 3 attends a secondary school, the Idem

board that operates such school may require a fee to be paid by or on behalf of the pupil as provided in subsection 3 of section 100a of *The Schools Administration Act*.

R.S.O. 1960,
c. 362, s. 70,
subs. 5
(1960-61,
c. 93, s. 7),
repealed

(3) Subsection 5 of the said section 70, as re-enacted by section 7 of *The Secondary Schools and Boards of Education Amendment Act, 1960-61*, is repealed.

R.S.O. 1960,
c. 362, s. 70,
subs. 6,
re-enacted

(4) Subsection 6 of the said section 70, as amended by subsection 4 of section 17 of *The Secondary Schools and Boards of Education Amendment Act, 1964*, is repealed and the following substituted therefor:

Limitation
on right
to attend
without pay-
ment of fee

(6) Notwithstanding section 68, where a pupil,

(a) has completed grade 8; and

(b) has attended one or more secondary schools
for a total of six or more years,

he shall not be admitted to a secondary school except upon the payment of a fee as provided in subsection 4 of section 100a of *The Schools Administration Act*.

R.S.O. 1960,
c. 361

R.S.O. 1960,
c. 362, s. 71,
subs. 1, 2,
re-enacted

16. Subsections 1 and 2 of section 71 of *The Secondary Schools and Boards of Education Act* are repealed and the following substituted therefor:

Admission
of ward of
children's
aid society

(1) Subject to subsection 1a, a ward of a children's aid society who has been promoted or transferred to a secondary school shall be admitted, without the payment of a fee, to a secondary school by the board of the secondary school district that was supported by the assessment of the residence in which he resided with his parent or guardian in the year in which he became a ward or, where no secondary school is maintained in the district, to a secondary school pursuant to an agreement under subsection 2 of section 30.

Where ward
placed for
adoption

(1a) A ward of a children's aid society who has been promoted or transferred to a secondary school and who has been placed for adoption on a probationary basis shall be admitted, without the payment of a fee, to a secondary school by the board of the secondary school district that is supported by the assessment of the residence in which he resides with his adoptive parent or, where no secondary school is maintained in the district, to a secondary

SECTION 16. Subsections 1 and 2 are re-enacted to provide for the admission of children in the custody of a children's aid society to a secondary school where one is not maintained in the secondary school district in which the custodian is resident.

Subsection 1a is new and is self-explanatory.

SECTION 17. Self-explanatory.

school pursuant to an agreement under subsection 2 of section 30, upon receipt from the children's aid society of a certificate that he has been so placed for adoption.

- (2) Where a child who has been promoted or transferred to a secondary school and who is in the custody of a corporation, society or person resides in a secondary school district and is not qualified for admission to a secondary school in that district under any other provision of this Act or pursuant to an agreement under subsection 2 of section 30 and the secondary school inspector certifies that there is sufficient accommodation in a secondary school in that secondary school district or pursuant to an agreement under subsection 2 of section 30 for the current school year, the board of the district, or the board of the secondary school district with which an agreement has been made under subsection 2 of section 30, shall admit the child to a secondary school upon the prepayment monthly by the corporation, society or person of a fee as provided in subsection 3 of section 100a of *The Schools Administration Act*. Where fee payable
R.S.O. 1960,
c. 361

17. Where under any special Act one or more municipalities or parts thereof are detached from a high school district in which one or more vocational schools, or vocational additions to secondary schools, have been built under a technical and vocational training agreement entered into by Canada and Ontario, and the cost thereof was assumed by Canada and Ontario, such schools or additions to schools shall not be deemed to be an asset of the board of the high school district for the purpose of the adjustment of assets and liabilities, unless otherwise specifically provided in the special Act. Vocational schools under Federal-Provincial agreement not deemed asset when district decreased

18.—(1) This Act, except section 7, subsection 1 of section 8 and sections 15 and 16, comes into force on the day it receives Royal Assent. Commencement

(2) Section 7, subsection 1 of section 8 and sections 15 and 16 come into force on the 1st day of January, 1966. Idem

19. This Act may be cited as *The Secondary Schools and Boards of Education Amendment Act, 1965*. Short title

An Act to amend The Secondary Schools
and Boards of Education Act

1st Reading

March 31st, 1965

2nd Reading

April 13th, 1965

3rd Reading

MR. DAVIS

(Reprinted as amended by the Committee
on Education, Health and Welfare)

BILL 90

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Secondary Schools and Boards of Education Act

MR. DAVIS

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An Act to amend The Secondary Schools and Boards of Education Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 8 of *The Secondary Schools and Boards of Education Act* is amended by adding at the commencement thereof "Except in a territorial district" and by striking out "or in a territorial district" in the tenth line, so that the subsection shall read as follows:

R.S.O. 1960,
c. 362, s. 8,
subs. 1,
amended

- (1) Except in a territorial district, no high school district shall be established, nor shall the boundaries of an existing high school district be altered, so as to result in a district in which all the municipalities, or parts of municipalities, included in the district are not adjoining, or to result in a district comprising less than sixteen school sections and former school sections, unless the enrolment during the preceding calendar year of public and separate school pupils in the area to be included in the district is 600 or more, or the district is established under subsection 5 of section 12, or is on an island.

Minimum
size of
districts

2.—(1) Subsection 1a of section 12 of *The Secondary Schools and Boards of Education Act*, as enacted by section 3 of *The Secondary Schools and Boards of Education Amendment Act, 1964*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 362, s. 12,
subs. 1a
(1964,
c. 106, s. 3),
re-enacted

- (1a) Where in any year as a result of the alteration of the boundaries of a continuation school district or the dissolution of a continuation school the whole or any part of a municipality in a county ceases to be included in a secondary school district, the council of the county in which the municipality or part is situate shall, by by-law passed before the 1st day of July in any year, attach such municipality or part to a high school district in accordance with subsection 1

Attachment
of continua-
tion school
district or
parts to
high school
district

of section 8, and such by-law shall become effective, notwithstanding section 20, on the 1st day of January next following the 31st day of December on which the alteration or dissolution is effective.

R.S.O. 1960,
c. 362, s. 12,
subs. 3,
re-enacted

(2) Subsection 3 of the said section 12 is repealed and the following substituted therefor:

In territorial
districts

- (3) Subject to the approval of the Minister first being obtained, the council of a municipality or the councils of two or more municipalities in a territorial district may pass by-laws establishing the whole or any part of the municipality or municipalities as a new high school district, and the council of a municipality or the councils of two or more municipalities in a territorial district may in like manner discontinue any high school district already established and shall add the municipalities or parts of municipalities comprised in the district so discontinued to one or more other high school districts or include such municipalities or parts in one or more new high school districts.

R.S.O. 1960,
c. 362, s. 12,
subs. 4,
amended

(3) Subsection 4 of the said section 12 is amended by striking out "an adjoining" in the third line and inserting in lieu thereof "a", so that the subsection shall read as follows:

In
unorganized
territory

- (4) The Lieutenant Governor in Council may establish any area in territory without municipal organization, or any such area and a municipality or municipalities or any part or parts thereof, as a high school district, and may discontinue or decrease or increase the area of any such high school district, and, if any such high school district is discontinued or the area is decreased or increased, the assets and liabilities of the board shall be adjusted or disposed of as determined by the Ontario Municipal Board.

R.S.O. 1960,
c. 362, s. 13,
subs. 2,
amended

3. Subsection 2 of section 13 of *The Secondary Schools and Boards of Education Act* is amended by striking out "adjoining" in the second line, so that the subsection shall read as follows:

In
territorial
districts

- (2) Subject to the approval of the Minister, the council of a municipality or the councils of two or more municipalities, in a territorial district, may pass by-laws providing that the whole or any part of such municipality or municipalities shall be added to a high school district that has been established in one or more of such municipalities.

4. Clause *a* of subsection 2 of section 21 of *The Secondary Schools and Boards of Education Act*, as re-enacted by section 5 of *The Secondary Schools and Boards of Education Amendment Act*, 1962-63 and amended by section 4 of *The Secondary Schools and Boards of Education Amendment Act*, 1964, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 362, s. 21
(1962-63,
c. 130, s. 5),
subs. 2,
cl. *a*,
re-enacted

(a) who is,

- (i) a member of any other elementary or secondary school board, or
- (ii) a member of the council of a municipality or county all or part of which is included in the high school district, or
- (iii) an elected member of a local board of a municipality or county all or part of which is included in the high school district,

unless before the opening of the nomination meeting he has filed his resignation with the secretary of the other school board or with the clerk of the municipality or county, as the case may be.

5. Subsection 3 of section 22 of *The Secondary Schools and Boards of Education Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 362, s. 22,
subs. 3,
re-enacted

- (3) Where a part of a municipality is included in a high school district and the assessment for secondary school purposes in such part is less than 10 per cent of the total assessment for secondary school purposes in the municipality, such part shall not be deemed a municipality for the purposes of subsections 1 and 2.

Parts of
municipality
not rated
for trustee

6.—(1) Subsection 5 of section 31 of *The Secondary Schools and Boards of Education Act* is amended by inserting after “be” in the sixth line “who are qualified under *The Municipal Act* to vote on money by-laws”, so that the subsection shall read as follows:

R.S.O. 1960,
c. 362, s. 31,
subs. 5,
amended

- (5) If the council, or half or a majority of the councils where there are more than one, disapproves of the application, the council or each of the councils on the request of the board shall submit the application to a vote of the electors of its municipality, or of the part thereof included in the high school district, as the case may be, who are qualified under *The Municipal Act* to vote on money by-laws, in the manner provided by *The Municipal Act* in the case of a money by-law.

Submission
of applica-
tion to
electors

R.S.O. 1960,
c. 249

R.S.O. 1960,
c. 362, s. 31,
subs. 6,
amended

(2) Subsection 6 of the said section 31 is amended by inserting after "electors" in the third line "qualified to vote on money by-laws", so that the subsection shall read as follows:

When vote
to be held

- (6) Where the board requests that the application be submitted by the council or each of the councils, as the case may be, to a vote of the electors qualified to vote on money by-laws, unless the board otherwise agrees, the vote shall be held within ninety days of the receipt of the request from the board.

R.S.O. 1960,
c. 362, s. 34,
re-enacted

7. Section 34 of *The Secondary Schools and Boards of Education Act*, as amended by section 3 of *The Secondary Schools and Boards of Education Amendment Act, 1961-62*, is repealed and the following substituted therefor:

Estimates

34.—(1) Every high school board in each year shall prepare and adopt and submit to the council of each municipality, all or part of which is included in the high school district, on or before such time as the council may prescribe, estimates of all sums required during the year for the purposes of the board, and such estimates,

(a) shall set forth the estimated revenues and expenditures of the board;

(b) shall make due allowance for a surplus of any previous year that will be available during the current year;

(c) shall provide for any deficit of any previous year;

(d) may provide for expenditures for permanent improvements, provided that the total of expenditures for permanent improvements referred to in subparagraphs i, ii, iii, v and vii of paragraph 25 of subsection 2 of section 1 of *The Schools Administration Act* shall not exceed a sum calculated at two mills in the dollar upon the total assessment of the high school district according to the last revised assessment roll, and for further expenditures if such further expenditures are approved in the manner provided for approving debentures for permanent improvements;

(e) may provide for a reserve for working funds of a sum not in excess of 5 per cent of the expenditures of the board for the preceding

R.S.O. 1960,
c. 361

year, but, where the sum accumulated in the reserve is equal to or more than 20 per cent of such expenditures, no further sum shall be provided.

- (2) The council of each municipality, all or part of which is included in a high school district, shall levy and collect each year and transfer to the high school board from time to time as required, but not later than the 15th day of December, such amount as may be required by the board for its purposes during the year, and such amount shall be apportioned and raised in the manner provided in sections 35 and 36 with respect to liability for debenture debt. Rates for current purposes

8.—(1) Subsections 2 and 3 of section 35 of *The Secondary Schools and Boards of Education Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 362, s. 35, subss. 2, 3, re-enacted

- (2) Where a high school district comprises a city or separated town and one or more other municipalities or parts thereof that form part of a county for municipal purposes, each municipality is liable for such proportion of the principal and interest payable under the debentures and of the expenses connected therewith as the assessment of the city, separated town or other municipality or part, as the case may be, as adjusted by the application of the equalization factor bears to the assessment of all the municipalities and parts in the high school district as adjusted by the application of the equalization factors, and the council of each municipality shall levy on the property rateable for school purposes in the municipality or part and pay its proportion to the municipality that has issued the debentures. Where city or separated town in high school district
- (2a) Where a high school district comprises two or more counties or parts thereof, the assessments of the municipalities or parts thereof included in the high school district shall, for the purposes of subsections 1 and 2, be adjusted by the application of the equalization factors. Where high school district in more than one county
- (3) Where a high school district comprises two or more municipalities or parts thereof in a territorial district, each municipality is liable for such proportion of the principal and interest payable under the debentures and of the expenses connected therewith as the assessment of the municipality or part as adjusted by the application of the equalization factor bears Municipalities in territorial districts

to the assessment of all the municipalities and parts in the high school district as adjusted by the application of the equalization factors, and the council of each municipality shall levy on the property rateable for school purposes in the municipality or part and pay its proportion to the municipality that has issued the debentures.

R.S.O. 1960,
c. 362, s. 35,
subs. 6,
re-enacted

(2) Subsection 6 of the said section 35, as amended by subsection 1 of section 6 of *The Secondary Schools and Boards of Education Amendment Act, 1964*, is repealed and the following substituted therefor:

Request for
arbitration
where all
municipalities form
part of one
county

(6) Where the council of a municipality in a high school district that comprises only municipalities or parts thereof that form part of one county for municipal purposes is of the opinion that the division of liability in accordance with subsection 1 or 5 imposes an undue burden on the ratepayers of the municipality or part, subject to subsection 12, the council may apply to the board of the high school district before the 1st day of September in the year in which the assessment has been equalized or, where an appeal has been made under section 96 of *The Assessment Act* with respect to such equalized assessment, within fifteen days of the final determination of such appeal for an arbitration to determine the proportion of liability each municipality shall bear in the following year.

R.S.O. 1960,
c. 23

R.S.O. 1960,
c. 362, s. 35,
subs. 6a
(1964,
c. 106, s. 6,
subs. 2),
re-enacted

(3) Subsection 6a of the said section 35, as enacted by subsection 2 of section 6 of *The Secondary Schools and Boards of Education Amendment Act, 1964*, is repealed and the following substituted therefor:

Where city,
separated
town,
counties, or
municipalities in
territorial
district,
concerned

(6a) Except as provided in subsection 6 and subject to subsection 12, where the council of a municipality is of the opinion that the division of liability in accordance with subsection 1, 2, 3 or 5 imposes an undue burden on the ratepayers of the municipality or part, the council may apply to the board of the high school district before the 1st day of September in the year preceding the year in which the proportion to be determined will be payable for an arbitration to determine the proportion of liability each municipality shall bear in the following year.

R.S.O. 1960,
c. 362, s. 35,
subs. 7,
re-enacted

(4) Subsection 7 of the said section 35 is repealed and the following substituted therefor:

- (7) Upon receipt of the application, the board shall Arbitrators direct its secretary to call a meeting of the treasurers of the municipalities within or partly within the district, and the county treasurers of the county or counties within which the municipalities forming part of a county for municipal purposes are situated, and these treasurers shall be arbitrators to determine the proportion of liability each municipality shall bear.

- (5) Subsection 8 of the said section 35 is repealed.

R.S.O. 1960,
c. 362, s. 35,
subs. 8,
repealed

- (6) Subsection 11 of the said section 35 is amended by R.S.O. 1960,
c. 362, s. 35,
subs. 11,
amended inserting after "assessments" in the third line "as adjusted by the equalization factors", so that the subsection shall read as follows:

- (11) In considering the proportion of liability that each Considera-
tions in
determining
liability municipality shall bear, the arbitrators and the Ontario Municipal Board may have regard to the assessments as adjusted by the equalization factors and equalized assessments, the location of the school and the use that will be made of it, the relative populations of the municipalities, transportation costs, and any other matter that in their or its view should be considered in order to result in an equitable apportionment of liability.

- (7) Subsection 13 of the said section 35 is repealed and the R.S.O. 1960,
c. 362, s. 35,
subs. 13,
re-enacted following substituted therefor:

- (13) In this section,

Interpre-
tation

- (a) "assessment" means the assessment upon which taxes are levied in the year preceding the year in which the proportion to be determined will be payable;
- (b) "equalization factor" means the latest equalization factor, based on the assessment referred to in clause a, provided by the Department of Municipal Affairs;
- (c) "equalized assessment" means the assessment as equalized in the year preceding the year in which the proportion to be determined will be payable.

- 9.** Subsection 1 of section 36 of *The Secondary Schools and Boards of Education Act* is amended by striking out "assessors of the municipalities and" in the third line and inserting in lieu thereof "treasurers of the municipalities and the assessor for", so that the subsection shall read as follows: R.S.O. 1960,
c. 362, s. 36,
subs. 1,
amended

Proportion
of liability
in high
school
district
that includes
unorganized
territory

- (1) Where a high school district comprises part or all of one or more municipalities and territory without municipal organization, the treasurers of the municipalities and the assessor for the territory without municipal organization shall be arbitrators who shall meet before the 1st day of December at the call of the secretary of the board and determine the portion of the amounts under subsection 2 of section 34 and the principal and interest payable under any debentures and expenses connected therewith that shall be raised commencing in the following year by assessment on the ratepayers of each municipality and the territory without municipal organization.

R.S.O. 1960,
c. 362, s. 42,
amended

10.—(1) Section 42 of *The Secondary Schools and Boards of Education Act*, as amended by section 4 of *The Secondary Schools and Boards of Education Amendment Act, 1961-62* and section 8 of *The Secondary Schools and Boards of Education Amendment Act, 1964*, is further amended by adding thereto the following subsection:

Appoint-
ments from
other
occupations

- (5a) Where, in the opinion of a board, representation on a committee would be desirable from any business or occupation not referred to in subsection 3, 4 or 5, the board may appoint, in lieu of a person referred to in clause *b* or *c* of subsection 3, 4 or 5, an employee or an employer or director of a company, as the case may be, engaged in such business or occupation.

R.S.O. 1960,
c. 362, s. 42,
subs. 7
(1961-62,
c. 131, s. 4),
repealed

(2) Subsection 7 of the said section 42, as enacted by section 4 of *The Secondary Schools and Boards of Education Amendment Act, 1961-62*, is repealed.

R.S.O. 1960,
c. 362, s. 46,
subs. 6,
repealed

11. Subsection 6 of section 46 of *The Secondary Schools and Boards of Education Act* is repealed.

R.S.O. 1960,
c. 362, s. 51,
subs. 3,
amended

12. Subsection 3 of section 51 of *The Secondary Schools and Boards of Education Act* is amended by striking out "adjoining" in the third line, so that the subsection shall read as follows:

Board in
territorial
district

- (3) Subject to the approval of the Minister first being obtained, where a high school district has been established by two or more municipalities in a territorial district, the councils of the municipalities may, on or before the 1st day of July in any year, pass by-laws establishing a board of education for the district, whereupon the elective members of the board shall be elected at the next ensuing municipal election and the members to be appointed shall be appointed and the board organized in accordance with this Part.

13. Subsections 4 and 5 of section 63 of *The Secondary Schools and Boards of Education Act* are repealed. R.S.O. 1960,
c. 362, s. 63,
subss. 4, 5,
repealed

14. Subsection 2 of section 66 of *The Secondary Schools and Boards of Education Act* is amended by inserting after "municipality" in the first line "having a population of 2,000 or more" and by striking out "may" in the third line and inserting in lieu thereof "shall", so that the subsection shall read as follows: R.S.O. 1960,
c. 362, s. 66,
subss. 2,
amended

- (2) The council of a municipality having a population of 2,000 or more in a territorial district which, or part of which, has not been established as or included in a secondary school district shall enter into an agreement with a secondary school board to provide for the instruction, in the school or schools maintained by the board, of the pupils of the municipality or part of the municipality. Idem

15.—(1) Subsection 2 of section 70 of *The Secondary Schools and Boards of Education Act*, as re-enacted by subsection 1 of section 17 of *The Secondary Schools and Boards of Education Amendment Act, 1964*, is repealed and the following substituted therefor: R.S.O. 1960,
c. 362, s. 70,
subss. 2
(1964,
c. 106, s. 17,
subss. 1),
re-enacted

- (2) Where a resident pupil of a secondary school district attends a secondary school in another secondary school district pursuant to an agreement under subsection 2 of section 30 or under subsection 1 of section 66 or which he has a right to attend under subsection 2 of section 68, the board of the secondary school district of which he is a resident pupil shall pay fees to the board that operates the secondary school attended by the pupil, calculated in accordance with the subsection 1 of section 100a of *The Schools Administration Act*. Fees payable
R.S.O. 1960,
c. 361

(2) Subsections 3 and 4 of the said section 70, as amended by subsections 2 and 3 of section 17 of *The Secondary Schools and Boards of Education Amendment Act, 1964*, are repealed and the following substituted therefor: R.S.O. 1960,
c. 362, s. 70,
subss. 3, 4,
re-enacted

- (3) Where a pupil attends a secondary school pursuant to an agreement under subsection 2 of section 66, the council of the municipality shall pay fees to the board that operates the secondary school as provided in subsection 3 of section 100a of *The Schools Administration Act*. Idem

- (4) Where a pupil other than one referred to in subsection 1, 2 or 3 attends a secondary school, the Idem

board that operates such school may require a fee to be paid by or on behalf of the pupil as provided in subsection 3 of section 100a of *The Schools Administration Act*.

R.S.O. 1960,
c. 362, s. 70,
subs. 5
(1960-61,
c. 93, s. 7),
repealed

(3) Subsection 5 of the said section 70, as re-enacted by section 7 of *The Secondary Schools and Boards of Education Amendment Act, 1960-61*, is repealed.

R.S.O. 1960,
c. 362, s. 70,
subs. 6,
re-enacted

(4) Subsection 6 of the said section 70, as amended by subsection 4 of section 17 of *The Secondary Schools and Boards of Education Amendment Act, 1964*, is repealed and the following substituted therefor:

Limitation
on right
to attend
without pay-
ment of fee

(6) Notwithstanding section 68, where a pupil,

(a) has completed grade 8; and

(b) has attended one or more secondary schools for a total of six or more years,

he shall not be admitted to a secondary school except upon the payment of a fee as provided in subsection 4 of section 100a of *The Schools Administration Act*.

R.S.O. 1960,
c. 361

R.S.O. 1960,
c. 362, s. 71,
subss. 1, 2,
re-enacted

16. Subsections 1 and 2 of section 71 of *The Secondary Schools and Boards of Education Act* are repealed and the following substituted therefor:

Admission
of ward of
children's
aid society

(1) Subject to subsection 1a, a ward of a children's aid society who has been promoted or transferred to a secondary school shall be admitted, without the payment of a fee, to a secondary school by the board of the secondary school district that was supported by the assessment of the residence in which he resided with his parent or guardian in the year in which he became a ward or, where no secondary school is maintained in the district, to a secondary school pursuant to an agreement under subsection 2 of section 30.

Where ward
placed for
adoption

(1a) A ward of a children's aid society who has been promoted or transferred to a secondary school and who has been placed for adoption on a probationary basis shall be admitted, without the payment of a fee, to a secondary school by the board of the secondary school district that is supported by the assessment of the residence in which he resides with his adoptive parent or, where no secondary school is maintained in the district, to a secondary

school pursuant to an agreement under subsection 2 of section 30, upon receipt from the children's aid society of a certificate that he has been so placed for adoption.

- (2) Where a child who has been promoted or transferred to a secondary school and who is in the custody of a corporation, society or person resides in a secondary school district and is not qualified for admission to a secondary school in that district under any other provision of this Act or pursuant to an agreement under subsection 2 of section 30 and the secondary school inspector certifies that there is sufficient accommodation in a secondary school in that secondary school district or pursuant to an agreement under subsection 2 of section 30 for the current school year, the board of the district, or the board of the secondary school district with which an agreement has been made under subsection 2 of section 30, shall admit the child to a secondary school upon the prepayment monthly by the corporation, society or person of a fee as provided in subsection 3 of section 100a of *The Schools Administration Act*. Where fee payable
R.S.O. 1960, c. 361

17. Where under any special Act one or more municipalities or parts thereof are detached from a high school district in which one or more vocational schools, or vocational additions to secondary schools, have been built under a technical and vocational training agreement entered into by Canada and Ontario, and the cost thereof was assumed by Canada and Ontario, such schools or additions to schools shall not be deemed to be an asset of the board of the high school district for the purpose of the adjustment of assets and liabilities, unless otherwise specifically provided in the special Act. Vocational schools under Federal-Provincial agreement not deemed asset when district decreased

18.—(1) This Act, except section 7, subsection 1 of section 8 and sections 15 and 16, comes into force on the day it receives Royal Assent. Commencement

(2) Section 7, subsection 1 of section 8 and sections 15 and 16 come into force on the 1st day of January, 1966. Idem

19. This Act may be cited as *The Secondary Schools and Boards of Education Amendment Act, 1965*. Short title



An Act to amend The Secondary Schools
and Boards of Education Act

1st Reading

March 31st, 1965

2nd Reading

April 13th, 1965

3rd Reading

June 21st, 1965

MR. DAVIS

BILL 91

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

The Brucellosis Act, 1965

MR. STEWART

EXPLANATORY NOTE

The chief feature of the new Act is that vaccination of female calves will no longer be compulsory.

The provisions of the Bill are self-explanatory.

BILL 91 *Interpretation Act, 1965* 1965

The Brucellosis Act, 1965

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpre- tation

- (a) "brucellosis" means the infectious disease of cattle caused by the organism *brucella abortus*;
- (b) "calf" means a head of cattle under the age of one year;
- (c) "Director" means the Director of the Veterinary Services Branch of the Department of Agriculture;
- (d) "inspector" means an inspector appointed under this Act;
- (e) "Minister" means the Minister of Agriculture;
- (f) "owner" means a person owning or keeping one or more head of cattle, and includes a person in charge of premises where cattle are kept;
- (g) "regulations" means the regulations made under this Act;
- (h) "vaccinate" means vaccinate against brucellosis with vaccine in accordance with the regulations, and "vaccination" has a corresponding meaning;
- (i) "veterinarian" means a veterinarian appointed under this Act. R.S.O. 1960, c. 41, s. 1, *amended*.

2. For the purposes of this Act, the Lieutenant Governor ^{Inspectors} in Council may appoint a chief inspector and one or more inspectors. R.S.O. 1960, c. 41, s. 3, *amended*.

Appointment of veterinarians
R.S.O. 1960, c. 416

3.—(1) For the purposes of this Act, the Minister may appoint any veterinarian registered under *The Veterinarians Act* who makes application for appointment in the form prescribed by the regulations.

Agreements with veterinarians

(2) Where the Minister appoints a veterinarian, he shall make an agreement with the veterinarian in the form prescribed by the regulations.

Veterinarians' assistants

(3) With the approval of the Director, a veterinarian may engage one or more persons to assist him in carrying out his duties under this Act, but the veterinarian is responsible for all acts of his assistants in carrying out such duties. R.S.O. 1960, c. 41, s. 5, *amended*.

Prohibition as to vaccination

4. No person, other than a veterinarian or an assistant engaged by him, shall vaccinate a head of cattle. *New*.

Age limits as to vaccination

5. No person shall vaccinate or cause to be vaccinated a head of cattle, except a calf that is within the age limits for vaccination prescribed by the regulations. R.S.O. 1960, c. 41, s. 7, *amended*.

Prescribed vaccine to be used

6. No veterinarian shall use or supply to any person for use in any vaccination any vaccine other than a vaccine prescribed by the regulations. R.S.O. 1960, c. 41, s. 6, *amended*.

Notice of calf to be vaccinated

7.—(1) Every owner of a female calf that is within the age limits for vaccination prescribed by the regulations may notify a veterinarian that he has such a calf for vaccination.

Vaccination after notice

(2) Where a veterinarian receives a notice under subsection 1, he shall vaccinate the calf without cost to the owner. R.S.O. 1960, c. 41, s. 12 (1, 2), *amended*.

Owner to provide assistance

(3) The owner of a female calf that is being vaccinated shall provide such assistance as the veterinarian requires to restrain the calf. R.S.O. 1960, c. 41, s. 16 (4), *amended*.

Certificate of vaccination

8. Where a veterinarian vaccinates a calf, he shall complete in triplicate a certificate of vaccination in the form prescribed by the regulations and forthwith shall deliver or send by mail the original copy thereof to the owner and, within ten days after the end of the month in which the calf was vaccinated, shall deliver or send by mail two copies thereof to the Director. R.S.O. 1960, c. 41, s. 13, *amended*.

Right of entry

9.—(1) For the purposes of carrying out his duties under this Act, an inspector or a veterinarian may at any time between sunrise and sunset enter any premises or building other than a dwelling house.

(2) The production by an inspector or a veterinarian of a ^{Certificate of appointment} certificate of his appointment purporting to be signed by the Minister is admissible in evidence as *prima facie* proof of his appointment without further proof of the signature or authority of the Minister. R.S.O. 1960, c. 41, s. 16 (1, 2), *amended*.

10. No person shall hinder or obstruct an inspector or a ^{Obstruction of inspector or veterinarian} veterinarian in the course of his duties or furnish him with false information, or refuse to furnish him with information. R.S.O. 1960, c. 41, s. 16 (3), *amended*.

11. Every person who contravenes any of the provisions ^{Offences} of this Act or the regulations is guilty of an offence and on summary conviction is liable, for a first offence, to a fine of not more than \$25 and, for a subsequent offence, to a fine of not more than \$50 or to imprisonment for a term of not more than ten days, or to both fine and imprisonment. R.S.O. 1960, c. 41, s. 17, *amended*.

12. The Lieutenant Governor in Council may make regula- ^{Regulations} tions,

- (a) prescribing the vaccine and the method to be used in vaccinating a calf;
- (b) prescribing the age limits for vaccination of a calf;
- (c) providing for a means of identification of a calf vaccinated under this Act, prescribing the manner in which such means of identification may be used, and governing the removal of such means of identification from a head of cattle;
- (d) providing for the compensation of the owner of a female calf that dies after being vaccinated, and prescribing the terms and conditions under which such compensation may be paid;
- (e) providing for the remuneration of a veterinarian;
- (f) prescribing forms and providing for their use;
- (g) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1960, c. 41, s. 18; 1962-63, c. 9, s. 2, *amended*.

13. *The Brucellosis Act* and *The Brucellosis Amendment Act, 1962-63* are repealed.

R.S.O. 1960,
c. 41;
1962-63,
c. 9,
repealed

Commence-
ment

14. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

15. This Act may be cited as *The Brucellosis Act, 1965*.

The Brucellosis Act, 1965

1st Reading

April 1st, 1965

2nd Reading

3rd Reading

MR. STEWART

BILL 91

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

The Brucellosis Act, 1965

MR. STEWART

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100-100

BILL 91

1965

The Brucellosis Act, 1965

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "brucellosis" means the infectious disease of cattle caused by the organism *brucella abortus*;
- (b) "calf" means a head of cattle under the age of one year;
- (c) "Director" means the Director of the Veterinary Services Branch of the Department of Agriculture;
- (d) "inspector" means an inspector appointed under this Act;
- (e) "Minister" means the Minister of Agriculture;
- (f) "owner" means a person owning or keeping one or more head of cattle, and includes a person in charge of premises where cattle are kept;
- (g) "regulations" means the regulations made under this Act;
- (h) "vaccinate" means vaccinate against brucellosis with vaccine in accordance with the regulations, and "vaccination" has a corresponding meaning;
- (i) "veterinarian" means a veterinarian appointed under this Act. R.S.O. 1960, c. 41, s. 1, *amended*.

2. For the purposes of this Act, the Lieutenant Governor ^{Inspectors} in Council may appoint a chief inspector and one or more inspectors. R.S.O. 1960, c. 41, s. 3, *amended*.

Appoint-
ment of
veterinarians
R.S.O. 1960,
c. 416

3.—(1) For the purposes of this Act, the Minister may appoint any veterinarian registered under *The Veterinarians Act* who makes application for appointment in the form prescribed by the regulations.

Agreements
with
veterinarians

(2) Where the Minister appoints a veterinarian, he shall make an agreement with the veterinarian in the form prescribed by the regulations.

Veterinar-
ians'
assistants

(3) With the approval of the Director, a veterinarian may engage one or more persons to assist him in carrying out his duties under this Act, but the veterinarian is responsible for all acts of his assistants in carrying out such duties. R.S.O. 1960, c. 41, s. 5, *amended*.

Prohibition
as to
vaccination

4. No person, other than a veterinarian or an assistant engaged by him, shall vaccinate a head of cattle. *New*.

Age limits
as to
vaccination

5. No person shall vaccinate or cause to be vaccinated a head of cattle, except a calf that is within the age limits for vaccination prescribed by the regulations. R.S.O. 1960, c. 41, s. 7, *amended*.

Prescribed
vaccine
to be used

6. No veterinarian shall use or supply to any person for use in any vaccination any vaccine other than a vaccine prescribed by the regulations. R.S.O. 1960, c. 41, s. 6, *amended*.

Notice of
calf to be
vaccinated

7.—(1) Every owner of a female calf that is within the age limits for vaccination prescribed by the regulations may notify a veterinarian that he has such a calf for vaccination.

Vaccination
after notice

(2) Where a veterinarian receives a notice under subsection 1, he shall vaccinate the calf without cost to the owner. R.S.O. 1960, c. 41, s. 12 (1, 2), *amended*.

Owner to
provide
assistance

(3) The owner of a female calf that is being vaccinated shall provide such assistance as the veterinarian requires to restrain the calf. R.S.O. 1960, c. 41, s. 16 (4), *amended*.

Certificate
of vaccina-
tion

8. Where a veterinarian vaccinates a calf, he shall complete in triplicate a certificate of vaccination in the form prescribed by the regulations and forthwith shall deliver or send by mail the original copy thereof to the owner and, within ten days after the end of the month in which the calf was vaccinated, shall deliver or send by mail two copies thereof to the Director. R.S.O. 1960, c. 41, s. 13, *amended*.

Right of
entry

9.—(1) For the purposes of carrying out his duties under this Act, an inspector or a veterinarian may at any time between sunrise and sunset enter any premises or building other than a dwelling house.

(2) The production by an inspector or a veterinarian of a ^{Certificate of appointment} certificate of his appointment purporting to be signed by the Minister is admissible in evidence as *prima facie* proof of his appointment without further proof of the signature or authority of the Minister. R.S.O. 1960, c. 41, s. 16 (1, 2), *amended*.

10. No person shall hinder or obstruct an inspector or a ^{Obstruction of inspector or veterinarian} veterinarian in the course of his duties or furnish him with false information, or refuse to furnish him with information. R.S.O. 1960, c. 41, s. 16 (3), *amended*.

11. Every person who contravenes any of the provisions of this Act or the regulations is guilty of an offence and on ^{Offences} summary conviction is liable, for a first offence, to a fine of not more than \$25 and, for a subsequent offence, to a fine of not more than \$50 or to imprisonment for a term of not more than ten days, or to both fine and imprisonment. R.S.O. 1960, c. 41, s. 17, *amended*.

12. The Lieutenant Governor in Council may make regula- ^{Regulations} tions,

- (a) prescribing the vaccine and the method to be used in vaccinating a calf;
- (b) prescribing the age limits for vaccination of a calf;
- (c) providing for a means of identification of a calf vaccinated under this Act, prescribing the manner in which such means of identification may be used, and governing the removal of such means of identification from a head of cattle;
- (d) providing for the compensation of the owner of a female calf that dies after being vaccinated, and prescribing the terms and conditions under which such compensation may be paid;
- (e) providing for the remuneration of a veterinarian;
- (f) prescribing forms and providing for their use;
- (g) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1960, c. 41, s. 18; 1962-63, c. 9, s. 2, *amended*.

13. *The Brucellosis Act and The Brucellosis Amendment Act, 1962-63* are repealed.

R.S.O. 1960,
c. 41;
1962-63,
c. 9,
repealed

Commence-
ment

14. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

15. This Act may be cited as *The Brucellosis Act, 1965*.

The Brucellosis Act, 1965

1st Reading

April 1st, 1965

2nd Reading

April 8th, 1965

3rd Reading

April 14th, 1965

MR. STEWART

BILL 92

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Live Stock Community Sales Act

MR. STEWART

EXPLANATORY NOTE

The Bill puts the administration of *The Live Stock Community Sales Act* under the Director of the Veterinary Services Branch of the Department of Agriculture who will also be responsible for *The Brucellosis Act*, *The Dead Animal Disposal Act* and *The Meat Inspection Act* (Ontario), 1962-63.

The Bill also clarifies the authority to appoint inspectors for the purposes of the Act.

BILL 92

1965

An Act to amend The Live Stock Community Sales Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *a* of section 1 of *The Live Stock Community Sales Act* is repealed. R.S.O. 1960,
c. 221, s. 1,
cl. a,
repealed

(2) The said section 1 is amended by adding thereto the following clause: R.S.O. 1960,
c. 221, s. 1,
amended

(*ba*) "Director" means the Director of the Veterinary Services Branch of the Department of Agriculture.

2. Section 3 of *The Live Stock Community Sales Act* is amended by striking out "Commissioner" in the second and third lines and inserting in lieu thereof "Director". R.S.O. 1960,
c. 221, s. 3,
amended

3. *The Live Stock Community Sales Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 221,
amended

10a. The Minister may appoint a chief inspector and one or more inspectors for the purposes of this Act. Inspectors

4.—(1) Subsection 1 of section 11 of *The Live Stock Community Sales Act* is amended by striking out "Commissioner" in the first line and inserting in lieu thereof "Director". R.S.O. 1960,
c. 221, s. 11,
subs. 1,
amended

(2) Subsection 2 of the said section 11 is amended by striking out "Commissioner" in the first line and inserting in lieu thereof "Director". R.S.O. 1960,
c. 221, s. 11,
subs. 2,
amended

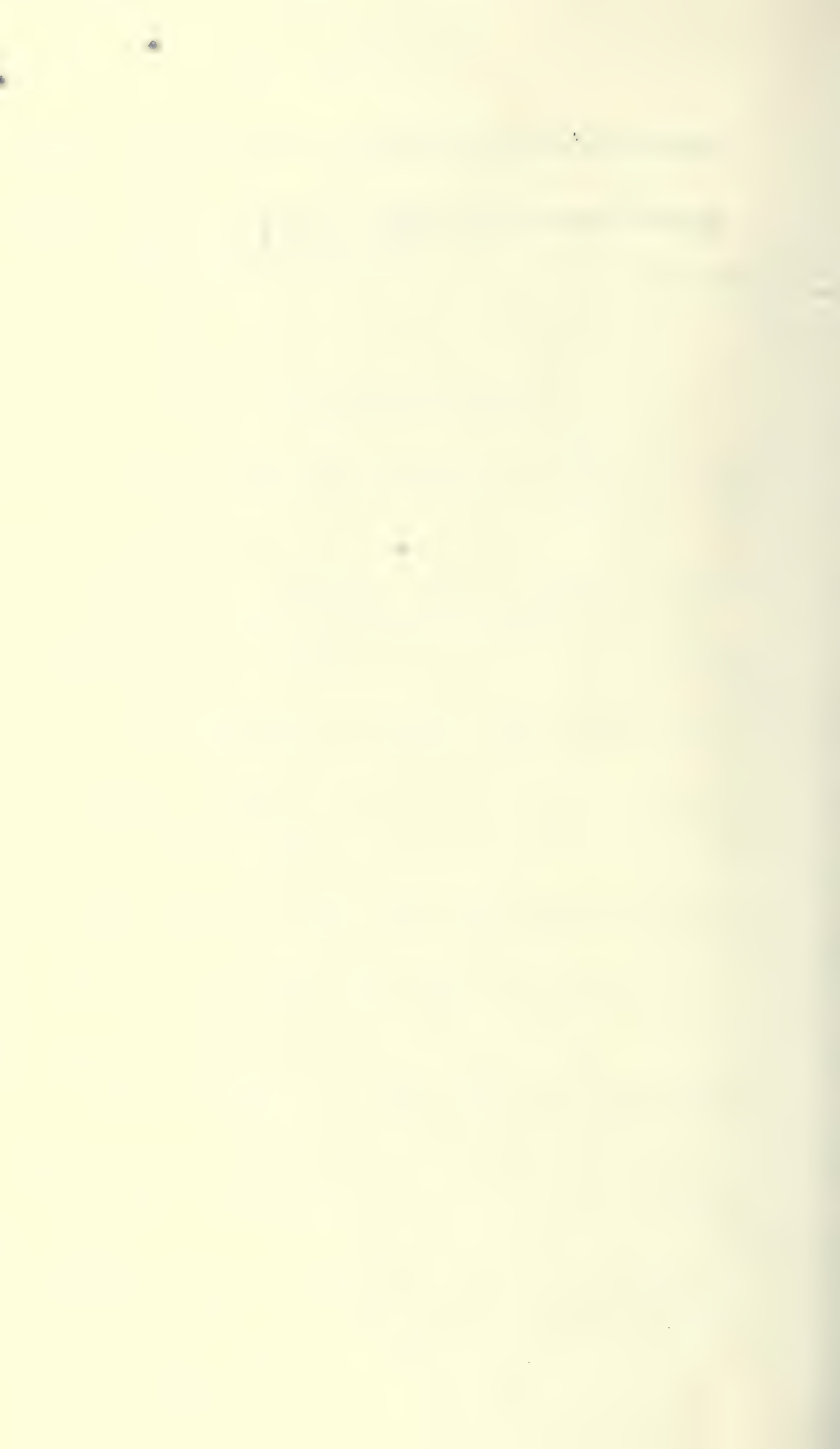
(3) Subsection 3 of the said section 11 is amended by striking out "Commissioner" in the first line and inserting in lieu thereof "Director". R.S.O. 1960,
c. 221, s. 11,
subs. 3,
amended

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Live Stock Community Sales Amendment Act, 1965*.



An Act to amend
The Live Stock Community Sales Act

1st Reading

April 1st, 1965

2nd Reading

3rd Reading

MR. STEWART

BILL 92

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Live Stock Community Sales Act

MR. STEWART



BILL 92

1965

An Act to amend The Live Stock Community Sales Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *a* of section 1 of *The Live Stock Community Sales Act* is repealed. R.S.O. 1960,
c. 221, s. 1,
cl. *a*,
repealed

(2) The said section 1 is amended by adding thereto the following clause: R.S.O. 1960,
c. 221, s. 1,
amended

(*ba*) "Director" means the Director of the Veterinary Services Branch of the Department of Agriculture.

2. Section 3 of *The Live Stock Community Sales Act* is amended by striking out "Commissioner" in the second and third lines and inserting in lieu thereof "Director". R.S.O. 1960,
c. 221, s. 3,
amended

3. *The Live Stock Community Sales Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 221,
amended

10a. The Minister may appoint a chief inspector and one or more inspectors for the purposes of this Act. Inspectors

4.—(1) Subsection 1 of section 11 of *The Live Stock Community Sales Act* is amended by striking out "Commissioner" in the first line and inserting in lieu thereof "Director". R.S.O. 1960,
c. 221, s. 11,
subs. 1,
amended

(2) Subsection 2 of the said section 11 is amended by striking out "Commissioner" in the first line and inserting in lieu thereof "Director". R.S.O. 1960,
c. 221, s. 11,
subs. 2,
amended

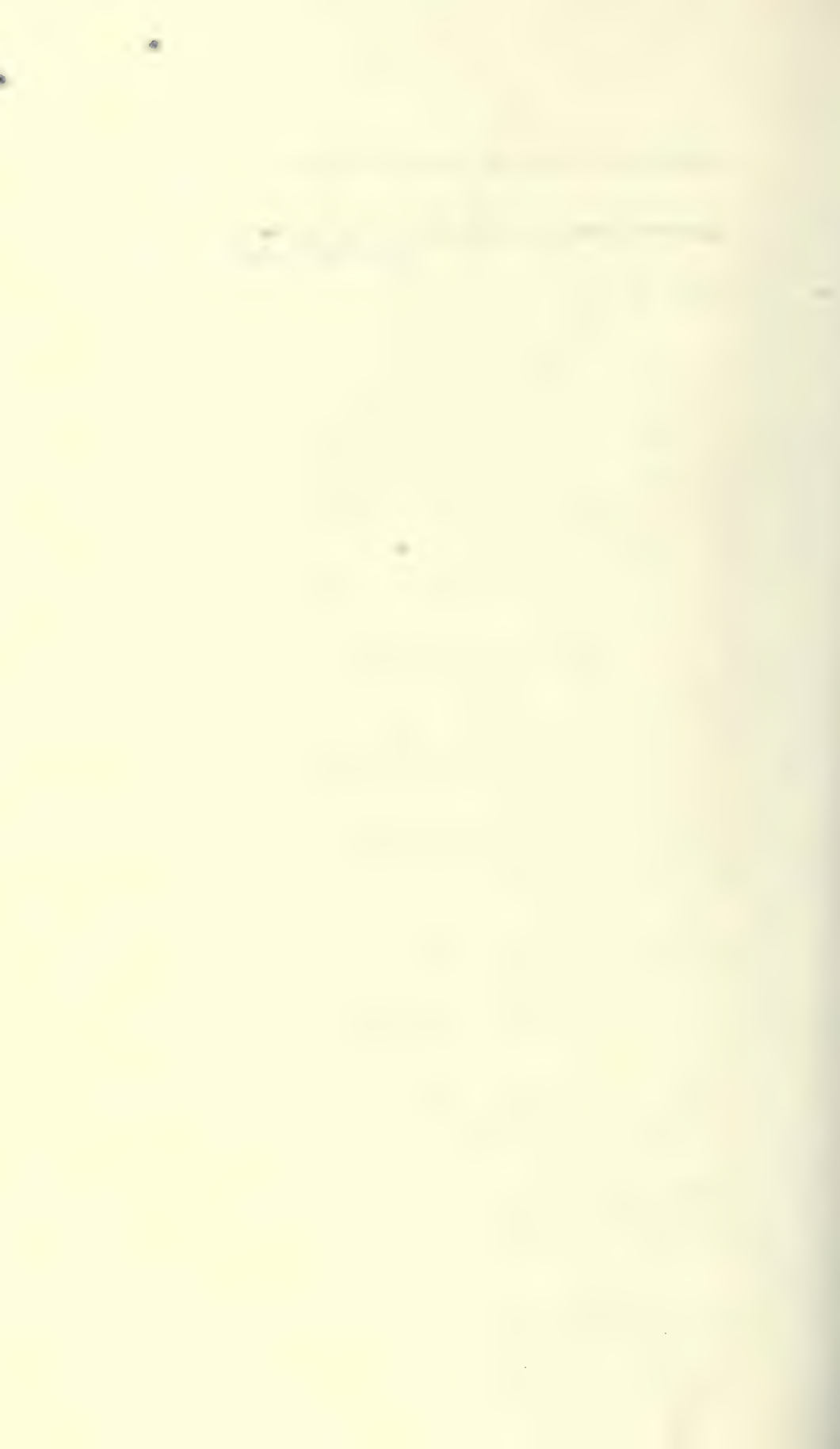
(3) Subsection 3 of the said section 11 is amended by striking out "Commissioner" in the first line and inserting in lieu thereof "Director". R.S.O. 1960,
c. 221, s. 11,
subs. 3,
amended

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Live Stock Community Sales Amendment Act, 1965*.



An Act to amend
The Live Stock Community Sales Act

1st Reading

April 1st, 1965

2nd Reading

April 8th, 1965

3rd Reading

April 14th, 1965

MR. STEWART

BILL 93

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Corporations Act

MR. YAREMKO

EXPLANATORY NOTE

By legislation passed this year, the Parliament of Canada has extended the class of assets in which insurance companies under federal jurisdiction may invest. The amendments are for the purpose of equalling the extension in respect of Ontario insurance companies.

An Act to amend The Corporations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *m* of subsection 2 of section 208 of *The Corporations Act*, as amended by subsection 1 of section 2 of *The Corporations Amendment Act, 1960-61*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 71, s. 208,
subs. 2,
cl. *m*,
re-enacted

- (*m*) ground rents, mortgages, hypothecs on real estate in Canada or elsewhere where the insurer is carrying on business, but the amount paid for the mortgage or hypothec, together with the amount of indebtedness under any mortgage or hypothec on the real estate ranking equally with or superior to the mortgage or hypothec in which the investment is made, shall not exceed 75 per cent of the value of the real estate covered thereby.

real
estate
mortgages

(2) Subclause *i* of clause *o* of subsection 2 of the said section 208, as re-enacted by subsection 4 of section 7 of *The Corporations Amendment Act, 1962-63*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 71, s. 208,
subs. 2,
cl. *o*
(1962-63,
c. 24, s. 7,
subs. 4),
subcl. *i*,
re-enacted

- (*i*) a lease of the real estate or leasehold is made to, or guaranteed by,

- a. a corporation that, at the date of the investment, is one described in subclause *i* of clause *j*, or
- b. the government, or any agency of the government, of the country in which the real estate or leasehold is situated or of a province, state or municipality of that country.

R.S.O. 1960,
c. 71, s. 208,
subs. 2,
cl. *o*
(1962-63,
c. 24, s. 7,
subs. 4),
subcl. *iii*,
amended

(3) Subclause *iii* of clause *o* of subsection 2 of the said section 208, as re-enacted by subsection 4 of section 7 of *The*

Corporations Amendment Act, 1962-63, is amended by striking out "1" in the third line and inserting in lieu thereof "2", so that the subclause shall read as follows:

- (iii) the total investment of an insurer in any one parcel of real estate or in any one leasehold does not exceed 2 per cent of the book value of the total assets of the insurer.

R.S.O. 1960,
c. 71, s. 208,
subs. 2,
cl. g,
re-enacted

(4) Clause *g* of subsection 2 of the said section 208, as amended by subsection 2 of section 2 of *The Corporations Amendment Act, 1960-61*, is repealed and the following substituted therefor:

real
estate
mortgages

- (q) real estate or leaseholds for a term of years or other estate or interest in real estate in Canada or elsewhere where the insurer is carrying on business, but the amount of the loan together with the amount of indebtedness under any mortgage or hypothec on the real estate or interest therein ranking equally with or superior to the loan shall not exceed 75 per cent of the value of the real estate or interest therein, subject to the exception that an insurer may accept as part payment for real estate sold by it a mortgage or hypothec for more than 75 per cent of the sale price of the real estate; or

R.S.O. 1960,
c. 71, s. 208,
subs. 4,
par. 1,
amended

(5) Paragraph 1 of subsection 4 of the said section 208 is amended by striking out "one-half of" in the eleventh line, so that the paragraph shall read as follows:

Real estate
for the
production
of income

1. Investments in real estate or leaseholds under this subsection shall be made only for the production of income, and may be made by the insurer in Canada or elsewhere where the insurer is carrying on business either alone or jointly with any other insurer, and the insurer may hold, maintain, improve, develop, repair, lease, sell or otherwise deal with or dispose of such real estate or leaseholds, but the total investment of an insurer under this subsection in any one parcel of real estate or in any one leasehold shall not exceed 1 per cent of the book value of the total assets of the insurer.

R.S.O. 1960,
c. 71, s. 208,
subs. 4,
par. 3,
amended

(6) Paragraph 3 of subsection 4 of the said section 208, as amended by subsection 6 of section 7 of *The Corporations Amendment Act, 1962-63*, is further amended by striking out "5" in the amendment of 1962-63 and inserting in lieu thereof "7", so that the paragraph shall read as follows:

3. The total book value of the investments and loans ^{Limitation} made under this subsection and held by the insurer, excluding those that are or at any time since acquisition have been eligible apart from this subsection, shall not exceed 7 per cent of the book value of the total assets of the insurer.

2. This Act comes into force on the day it receives Royal ^{Commence-} Assent. _{ment}

3. This Act may be cited as *The Corporations Amendment* ^{Short title} *Act, 1965.*



An Act to amend The Corporations Act

1st Reading

April 1st, 1965

2nd Reading

3rd Reading

MR. YAREMKO

BILL 93

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

An Act to amend The Corporations Act

MR. YAREMKO

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER



BILL 93

1965

An Act to amend The Corporations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *m* of subsection 2 of section 208 of *The Corporations Act*, as amended by subsection 1 of section 2 of *The Corporations Amendment Act, 1960-61*, is repealed and the following substituted therefor: R.S.O. 1960, c. 71, s. 208, subs. 2, cl. *m*, re-enacted

(*m*) ground rents, mortgages, hypothecs on real estate real estate mortgages in Canada or elsewhere where the insurer is carrying on business, but the amount paid for the mortgage or hypothec, together with the amount of indebtedness under any mortgage or hypothec on the real estate ranking equally with or superior to the mortgage or hypothec in which the investment is made, shall not exceed 75 per cent of the value of the real estate covered thereby.

(2) Subclause *i* of clause *o* of subsection 2 of the said section 208, as re-enacted by subsection 4 of section 7 of *The Corporations Amendment Act, 1962-63*, is repealed and the following substituted therefor: R.S.O. 1960, c. 71, s. 208, subs. 2, cl. *o* (1962-63, c. 24, s. 7, subs. 4), subcl. *i*, re-enacted

(i) a lease of the real estate or leasehold is made to, or guaranteed by,

a. a corporation that, at the date of the investment, is one described in subclause *i* of clause *j*, or

b. the government, or any agency of the government, of the country in which the real estate or leasehold is situated or of a province, state or municipality of that country.

(3) Subclause *iii* of clause *o* of subsection 2 of the said section 208, as re-enacted by subsection 4 of section 7 of *The* R.S.O. 1960, c. 71, s. 208, subs. 2, cl. *o* (1962-63, c. 24, s. 7, subs. 4), subcl. *iii*, amended

Corporations Amendment Act, 1962-63, is amended by striking out "1" in the third line and inserting in lieu thereof "2", so that the subclause shall read as follows:

- (iii) the total investment of an insurer in any one parcel of real estate or in any one leasehold does not exceed 2 per cent of the book value of the total assets of the insurer.

R.S.O. 1960,
c. 71, s. 208,
subs. 2,
cl. g,
re-enacted

(4) Clause *q* of subsection 2 of the said section 208, as amended by subsection 2 of section 2 of *The Corporations Amendment Act, 1960-61*, is repealed and the following substituted therefor:

real
estate
mortgages

- (q) real estate or leaseholds for a term of years or other estate or interest in real estate in Canada or elsewhere where the insurer is carrying on business, but the amount of the loan together with the amount of indebtedness under any mortgage or hypothec on the real estate or interest therein ranking equally with or superior to the loan shall not exceed 75 per cent of the value of the real estate or interest therein, subject to the exception that an insurer may accept as part payment for real estate sold by it a mortgage or hypothec for more than 75 per cent of the sale price of the real estate; or

R.S.O. 1960,
c. 71, s. 208,
subs. 4,
par. 1,
amended

(5) Paragraph 1 of subsection 4 of the said section 208 is amended by striking out "one-half of" in the eleventh line, so that the paragraph shall read as follows:

Real estate
for the
production
of income

1. Investments in real estate or leaseholds under this subsection shall be made only for the production of income, and may be made by the insurer in Canada or elsewhere where the insurer is carrying on business either alone or jointly with any other insurer, and the insurer may hold, maintain, improve, develop, repair, lease, sell or otherwise deal with or dispose of such real estate or leaseholds, but the total investment of an insurer under this subsection in any one parcel of real estate or in any one leasehold shall not exceed 1 per cent of the book value of the total assets of the insurer.

R.S.O. 1960,
c. 71, s. 208,
subs. 4,
par. 3,
amended

(6) Paragraph 3 of subsection 4 of the said section 208, as amended by subsection 6 of section 7 of *The Corporations Amendment Act, 1962-63*, is further amended by striking out "5" in the amendment of 1962-63 and inserting in lieu thereof "7", so that the paragraph shall read as follows:

3. The total book value of the investments and loans ^{Limitation} made under this subsection and held by the insurer, excluding those that are or at any time since acquisition have been eligible apart from this subsection, shall not exceed 7 per cent of the book value of the total assets of the insurer.

2. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

3. This Act may be cited as *The Corporations Amendment* ^{Short title} *Act, 1965.*

The first of these is the fact that the
the second is the fact that the
the third is the fact that the

the fourth is the fact that the

the fifth is the fact that the

the sixth is the fact that the

the seventh is the fact that the

the eighth is the fact that the

An Act to amend The Corporations Act

1st Reading

April 1st, 1965

2nd Reading

April 8th, 1965

3rd Reading

April 14th, 1965

MR. YAREMKO

BILL 94

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to establish a Foundation for the Preservation of the Burial Place of John Graves Simcoe and his Wife

MR. AULD

EXPLANATORY NOTE

This Bill establishes The John Graves Simcoe Memorial Foundation for the purpose of preserving and administering Wolford Chapel, Devonshire, England, which contains the remains of Lieutenant Governor John Graves Simcoe and his wife.

BILL 94

1965

An Act to establish a Foundation for the Preservation of the Burial Place of John Graves Simcoe and his Wife

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

**Interpre-
tation**

- (a) "chapel" means the building situate in the County of Devon in the Kingdom of Great Britain, and commonly known as Wolford Chapel, containing the remains of John Graves Simcoe and his wife, and includes such lands appurtenant thereto as are necessary for the use of the chapel for the objects of the Foundation;
- (b) "Foundation" means The John Graves Simcoe Memorial Foundation;
- (c) "Fund" means the trust fund maintained by the Foundation;
- (d) "Minister" means the Minister of Tourism and Information or such other member of the Executive Council as is designated by the Lieutenant Governor in Council to administer this Act.

2.—(1) A foundation is established to be known as "The John Graves Simcoe Memorial Foundation".

**John Graves
Simcoe
Memorial
Foundation
established**

(2) The Foundation shall be a body corporate consisting of a board of directors of fifteen persons, who shall be the trustees of the Fund, and such other persons who become members of the Foundation.

**Body
corporate**

(3) The first directors of the Foundation shall be Norman William Long, Floyd S. Chalmers and Harry I. Price, who shall be directors for a term of five years and who shall, subject

**First
directors**

to the approval of the Minister, appoint eleven other directors, six of whom shall be appointed for a term of four years and five of whom shall be appointed for a term of three years.

Minister
ex officio
a director

(4) The Minister is *ex officio* a director of the Foundation.

Replace-
ment of
directors

(5) Where a vacancy occurs on the board of directors, whether because of death or incapacity or the expiration of a term of office or for any other reason, the remaining directors shall, subject to the approval of the Minister, forthwith appoint a person to fill the vacancy for the remainder of an unexpired term of office or for a term of five years where the term of office has expired.

Reappoint-
ment

(6) A director is eligible for reappointment upon the expiration of his term of office.

Quorum

(7) Five directors constitute a quorum.

Chairman

(8) The directors may appoint a chairman from among themselves.

John Graves
Simcoe
Memorial
Advisory
Board

3. There shall be an advisory board to be known as "The John Graves Simcoe Memorial Advisory Board", consisting of such members as the board of directors of the Foundation, with the approval of the Minister, appoints, and the Advisory Board shall advise the board of directors in respect of any matter referred to it by the board of directors relating to the objects of the Foundation.

Payment
of expenses

4. The directors and members of The John Graves Simcoe Memorial Advisory Board shall not receive remuneration for their services but may be reimbursed out of the Fund for actual expenses incurred in the business of the Foundation.

By-laws

5. The directors of the Foundation may, with the approval of the Minister, make such by-laws as are necessary for,

- (a) the administration of the Foundation;
- (b) the establishment, appointment and conditions of membership therein;
- (c) the establishment of such honorary offices as they deem desirable and the appointment of persons thereto; and
- (d) any other matter necessary for carrying out the objects of the Foundation.

6. The objects of the Foundation are,

Objects

- (a) to acquire, hold, maintain and preserve the chapel as an historic site for the benefit of the public;
- (b) to advance and disseminate knowledge of the works and life of John Graves Simcoe; and
- (c) to establish and maintain a trust fund for the objects of the Foundation.

7. The directors on behalf of the Foundation,

Powers of directors

- (a) shall establish a trust fund for the objects of the Foundation;
- (b) may acquire real or personal property, whether by public subscription, donation, grant, bequest, purchase or otherwise, and shall hold such property in trust for the objects of the Foundation;
- (c) may borrow money for the purpose of carrying out the objects of the Foundation where a guarantee is provided under subsection 2 of section 9;
- (d) shall invest its funds only in such classes of securities as trustees are permitted to invest in under the laws of Ontario; and
- (e) may enter into such agreements as are deemed advisable for the furtherance of the objects of the Foundation.

8. The directors shall report annually to the Minister in respect of,

Annual reports

- (a) the finances of the Foundation; and
- (b) the condition of the chapel,

and shall give such further reports as the Minister from time to time requires.

9.—(1) The Minister may make grants to the Foundation out of moneys appropriated therefor by the Legislature upon such terms and conditions as he deems advisable.

Grants

(2) Upon the recommendation of the Minister, the Lieutenant Governor in Council may, upon such terms as he deems proper, agree to guarantee and may guarantee the payment of

Guarantees

any loan to the Foundation, or any part thereof, together with interest thereon, borrowed for the purpose of carrying out the objects of the Foundation, and the form and manner of the guarantee shall be such as the Lieutenant Governor in Council approves, and the guarantee shall be signed by the Treasurer of Ontario or such other officer or officers as are designated by the Lieutenant Governor in Council, and, upon being so signed, the Province of Ontario is liable for the payment of the loan or part thereof and interest thereon guaranteed according to the terms of the guarantee, and the Lieutenant Governor in Council may make arrangements for supplying the money necessary to fulfil the requirements of any guarantee and to advance the amount necessary for that purpose out of the public funds of the Province.

Audit of
accounts

10. The accounts and financial transactions of the Foundation shall be audited annually by the Provincial Auditor, and a report of the audit shall be made to the Foundation and to the Minister.

Reorgan-
ization or
termination

11. Where a vacancy exists on the board of directors for more than one year or where, in the opinion of the Minister, the board of directors is failing to carry out the objects of the Foundation, the Minister may make the appointments, reconstitute the board of directors by revoking the appointments of the existing directors and making new appointments as he deems advisable to carry out the objects of the Foundation.

Commence-
ment

12. This Act comes into force on the day it receives Royal Assent.

Short title

13. This Act may be cited as *The John Graves Simcoe Memorial Foundation Act, 1965*.

An Act to establish a Foundation for
the Preservation of the Burial Place
of John Graves Simcoe and his Wife

1st Reading

April 6th, 1965

2nd Reading

3rd Reading

Mr. AULD

BILL 94

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to establish a Foundation for the Preservation of the Burial Place of John Graves Simcoe and his Wife

MR. AULD

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTE

This Bill establishes The John Graves Simcoe Memorial Foundation for the purpose of preserving and administering Wolford Chapel, Devonshire, England, which contains the remains of Lieutenant Governor John Graves Simcoe and his wife.

BILL 94

1965

**An Act to establish a Foundation for the
Preservation of the Burial Place of
John Graves Simcoe and his Wife**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

**Interpre-
tation**

- (a) "chapel" means the building situate in the County of Devon in the Kingdom of Great Britain, and commonly known as Wolford Chapel, containing the remains of John Graves Simcoe and his wife, and includes such lands appurtenant thereto as are necessary for the use of the chapel for the objects of the Foundation;
- (b) "Foundation" means The John Graves Simcoe Memorial Foundation;
- (c) "Fund" means the trust fund maintained by the Foundation;
- (d) "Minister" means the Minister of Tourism and Information or such other member of the Executive Council as is designated by the Lieutenant Governor in Council to administer this Act.

2.—(1) A foundation is established to be known as "The John Graves Simcoe Memorial Foundation".

**John Graves
Simcoe
Memorial
Foundation
established**

(2) The Foundation shall be a body corporate consisting of a board of directors of fifteen persons, who shall be the trustees of the Fund, and such other persons who become members of the Foundation.

**Body
corporate**

(3) The first directors of the Foundation shall be Norman William Long, Floyd S. Chalmers and Harry I. Price, who shall be directors for a term of five years and who shall, subject

**First
directors**

to the approval of the Minister, appoint eleven other directors, six of whom shall be appointed for a term of four years and five of whom shall be appointed for a term of three years.

Minister
ex officio
a director

(4) The Minister is *ex officio* a director of the Foundation.

Replace-
ment of
directors

(5) Where a vacancy occurs on the board of directors, whether because of death or incapacity or the expiration of a term of office or for any other reason, the remaining directors shall, subject to the approval of the Minister, forthwith appoint a person to fill the vacancy for the remainder of an unexpired term of office or for a term of five years where the term of office has expired.

Re-appoint-
ment

(6) A director is eligible for re-appointment upon the expiration of his term of office.

Quorum

(7) Five directors constitute a quorum.

Chairman

(8) The directors may appoint a chairman from among themselves.

John Graves
Simcoe
Memorial
Advisory
Board

3. There shall be an advisory board to be known as "The John Graves Simcoe Memorial Advisory Board", consisting of such members as the board of directors of the Foundation, with the approval of the Minister, appoints, and the Advisory Board shall advise the board of directors in respect of any matter referred to it by the board of directors relating to the objects of the Foundation.

Payment
of expenses

4. The directors and members of The John Graves Simcoe Memorial Advisory Board shall not receive remuneration for their services but may be reimbursed out of the Fund for actual expenses incurred in the business of the Foundation.

By-laws

5. The directors of the Foundation may, with the approval of the Minister, make such by-laws as are necessary for,

- (a) the administration of the Foundation;
- (b) the establishment, appointment and conditions of membership therein;
- (c) the establishment of such honorary offices as they deem desirable and the appointment of persons thereto; and
- (d) any other matter necessary for carrying out the objects of the Foundation.

6. The objects of the Foundation are, Objects

- (a) to acquire, hold, maintain and preserve the chapel as an historic site for the benefit of the public;
- (b) to advance and disseminate knowledge of the works and life of John Graves Simcoe; and
- (c) to establish and maintain a trust fund for the objects of the Foundation.

7. The directors on behalf of the Foundation, Powers of directors

- (a) shall establish a trust fund for the objects of the Foundation;
- (b) may acquire real or personal property, whether by public subscription, donation, grant, bequest, purchase or otherwise, and shall hold such property in trust for the objects of the Foundation;
- (c) may borrow money for the purpose of carrying out the objects of the Foundation where a guarantee is provided under subsection 2 of section 9;
- (d) shall invest its funds only in such classes of securities as trustees are permitted to invest in under the laws of Ontario; and
- (e) may enter into such agreements as are deemed advisable for the furtherance of the objects of the Foundation.

8. The directors shall report annually to the Minister in Annual reports
respect of,

- (a) the finances of the Foundation; and
- (b) the condition of the chapel,

and shall give such further reports as the Minister from time to time requires.

9.—(1) The Minister may make grants to the Foundation Grants
out of moneys appropriated therefor by the Legislature upon such terms and conditions as he deems advisable.

(2) Upon the recommendation of the Minister, the Lieutenant Governor in Council may, upon such terms as he deems proper, agree to guarantee and may guarantee the payment of

any loan to the Foundation, or any part thereof, together with interest thereon, borrowed for the purpose of carrying out the objects of the Foundation, and the form and manner of the guarantee shall be such as the Lieutenant Governor in Council approves, and the guarantee shall be signed by the Treasurer of Ontario or such other officer or officers as are designated by the Lieutenant Governor in Council, and, upon being so signed, the Province of Ontario is liable for the payment of the loan or part thereof and interest thereon guaranteed according to the terms of the guarantee, and the Lieutenant Governor in Council may make arrangements for supplying the money necessary to fulfil the requirements of any guarantee and to advance the amount necessary for that purpose out of the public funds of the Province.

Audit of
accounts

10. The accounts and financial transactions of the Foundation shall be audited annually by the Provincial Auditor, and a report of the audit shall be made to the Foundation and to the Minister.

Reorgan-
ization or
termination

11. Where a vacancy exists on the board of directors for more than one year or where, in the opinion of the Minister, the board of directors is failing to carry out the objects of the Foundation, the Minister may make the appointments, reconstitute the board of directors by revoking the appointments of the existing directors and making new appointments as he deems advisable to carry out the objects of the Foundation.

Commence-
ment

12. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

13. This Act may be cited as *The John Graves Simcoe Memorial Foundation Act, 1965*.

An Act to establish a Foundation for
the Preservation of the Burial Place
of John Graves Simcoe and his Wife

1st Reading

April 6th, 1965

2nd Reading

April 13th, 1965

3rd Reading

MR. AULD

*(Reprinted as amended by the Committee
of the Whole House)*

BILL 94

3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965

**An Act to establish a Foundation for the Preservation
of the Burial Place of John Graves Simcoe and his Wife**

MR. AULD

1900

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BILL 94

1965

**An Act to establish a Foundation for the
Preservation of the Burial Place of
John Graves Simcoe and his Wife**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

**Interpre-
tation**

- (a) "chapel" means the building situate in the County of Devon in the Kingdom of Great Britain, and commonly known as Woford Chapel, containing the remains of John Graves Simcoe and his wife, and includes such lands appurtenant thereto as are necessary for the use of the chapel for the objects of the Foundation;
- (b) "Foundation" means The John Graves Simcoe Memorial Foundation;
- (c) "Fund" means the trust fund maintained by the Foundation;
- (d) "Minister" means the Minister of Tourism and Information or such other member of the Executive Council as is designated by the Lieutenant Governor in Council to administer this Act.

2.—(1) A foundation is established to be known as "The John Graves Simcoe Memorial Foundation".

**John Graves
Simcoe
Memorial
Foundation
established**

(2) The Foundation shall be a body corporate consisting of a board of directors of fifteen persons, who shall be the trustees of the Fund, and such other persons who become members of the Foundation.

**Body
corporate**

(3) The first directors of the Foundation shall be Norman William Long, Floyd S. Chalmers and Harry I. Price, who shall be directors for a term of five years and who shall, subject

**First
directors**

to the approval of the Minister, appoint eleven other directors, six of whom shall be appointed for a term of four years and five of whom shall be appointed for a term of three years.

Minister
ex officio
a director

(4) The Minister is *ex officio* a director of the Foundation.

Replace-
ment of
directors

(5) Where a vacancy occurs on the board of directors, whether because of death or incapacity or the expiration of a term of office or for any other reason, the remaining directors shall, subject to the approval of the Minister, forthwith appoint a person to fill the vacancy for the remainder of an unexpired term of office or for a term of five years where the term of office has expired.

Re-appoint-
ment

(6) A director is eligible for re-appointment upon the expiration of his term of office.

Quorum

(7) Five directors constitute a quorum.

Chairman

(8) The directors may appoint a chairman from among themselves.

John Graves
Simcoe
Memorial
Advisory
Board

3. There shall be an advisory board to be known as "The John Graves Simcoe Memorial Advisory Board", consisting of such members as the board of directors of the Foundation, with the approval of the Minister, appoints, and the Advisory Board shall advise the board of directors in respect of any matter referred to it by the board of directors relating to the objects of the Foundation.

Payment
of expenses

4. The directors and members of The John Graves Simcoe Memorial Advisory Board shall not receive remuneration for their services but may be reimbursed out of the Fund for actual expenses incurred in the business of the Foundation.

By-laws

5. The directors of the Foundation may, with the approval of the Minister, make such by-laws as are necessary for,

- (a) the administration of the Foundation;
- (b) the establishment, appointment and conditions of membership therein;
- (c) the establishment of such honorary offices as they deem desirable and the appointment of persons thereto; and
- (d) any other matter necessary for carrying out the objects of the Foundation.

6. The objects of the Foundation are, **Objects**

- (a) to acquire, hold, maintain and preserve the chapel as an historic site for the benefit of the public;
- (b) to advance and disseminate knowledge of the works and life of John Graves Simcoe; and
- (c) to establish and maintain a trust fund for the objects of the Foundation.

7. The directors on behalf of the Foundation, **Powers of directors**

- (a) shall establish a trust fund for the objects of the Foundation;
- (b) may acquire real or personal property, whether by public subscription, donation, grant, bequest, purchase or otherwise, and shall hold such property in trust for the objects of the Foundation;
- (c) may borrow money for the purpose of carrying out the objects of the Foundation where a guarantee is provided under subsection 2 of section 9;
- (d) shall invest its funds only in such classes of securities as trustees are permitted to invest in under the laws of Ontario; and
- (e) may enter into such agreements as are deemed advisable for the furtherance of the objects of the Foundation.

8. The directors shall report annually to the Minister in **Annual reports**
respect of,

- (a) the finances of the Foundation; and
- (b) the condition of the chapel,

and shall give such further reports as the Minister from time to time requires.

9.—(1) The Minister may make grants to the Foundation **Grants**
out of moneys appropriated therefor by the Legislature upon such terms and conditions as he deems advisable.

(2) Upon the recommendation of the Minister, the Lieutenant Governor in Council may, upon such terms as he deems proper, agree to guarantee and may guarantee the payment of **Guarantees**

any loan to the Foundation, or any part thereof, together with interest thereon, borrowed for the purpose of carrying out the objects of the Foundation, and the form and manner of the guarantee shall be such as the Lieutenant Governor in Council approves, and the guarantee shall be signed by the Treasurer of Ontario or such other officer or officers as are designated by the Lieutenant Governor in Council, and, upon being so signed, the Province of Ontario is liable for the payment of the loan or part thereof and interest thereon guaranteed according to the terms of the guarantee, and the Lieutenant Governor in Council may make arrangements for supplying the money necessary to fulfil the requirements of any guarantee and to advance the amount necessary for that purpose out of the public funds of the Province.

**Audit of
accounts**

10. The accounts and financial transactions of the Foundation shall be audited annually by the Provincial Auditor, and a report of the audit shall be made to the Foundation and to the Minister.

**Reorgan-
ization or
termination**

11. Where a vacancy exists on the board of directors for more than one year or where, in the opinion of the Minister, the board of directors is failing to carry out the objects of the Foundation, the Minister may make the appointments, reconstitute the board of directors by revoking the appointments of the existing directors and making new appointments as he deems advisable to carry out the objects of the Foundation.

**Commence-
ment**

12. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

13. This Act may be cited as *The John Graves Simcoe Memorial Foundation Act, 1965*.

An Act to establish a Foundation for
the Preservation of the Burial Place
of John Graves Simcoe and his Wife

1st Reading

April 6th, 1965

2nd Reading

April 13th, 1965

3rd Reading

June 21st, 1965

Mr. AULD

BILL 95

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Loan and Trust Corporations Act

MR. WISHART

EXPLANATORY NOTES

SECTION 1. The amendment puts an age limit of 75 years for the appointment or election of directors of loan or trust corporations after the 1st day of July, 1970. This provision is similar to that contained in the *Bank Act* (Canada) applying to the appointment or election of bank directors.

SECTIONS 2 and 3. By legislation passed this year, the Parliament of Canada has extended the borrowing and investment powers of loan and trust corporations under federal jurisdiction. The amendments are for the purposes of equalling the extension in respect of Ontario loan and trust corporations.

BILL 95

1965

An Act to amend The Loan and Trust Corporations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 34 of *The Loan and Trust Corporations Act*, R.S.O. 1960, c. 222, s. 34, amended as amended by section 1 of *The Loan and Trust Corporations Amendment Act, 1961-62*, is further amended by adding thereto the following subsection:

(2a) A person who has reached the age of seventy-five Age years is not eligible to be elected or appointed a director after the 1st day of July, 1970.

2. Subsection 2 of section 75 of *The Loan and Trust Corporations Act* is amended by striking out "twelve and one-half" in the tenth line and inserting in lieu thereof "fifteen", R.S.O. 1960, c. 222, s. 75, subs. 2, amended so that the subsection shall read as follows:

(2) The total amount borrowed by a corporation on Limit of borrowing debentures and other securities and by way of deposits shall not exceed an amount equal to the aggregate of its cash on hand or deposited in chartered banks in Canada and of four times the combined amounts of its then unimpaired paid-in capital and reserve, but the Lieutenant Governor in Council may, on the report of the Registrar and upon such terms and conditions as are prescribed, increase the amount that may be borrowed to a sum not exceeding an amount equal to the aggregate of such cash and of fifteen times the combined amounts of such capital and reserve.

3. *The Loan and Trust Corporations Act* is amended by R.S.O. 1960, c. 222, amended adding thereto the following section:

82a.—(1) The total of the sums of money received as Limit on guaranteed funds deposits under section 80 and for guaranteed invest-

ment under section 82 shall not at any time exceed an amount equal to the aggregate of its cash on hand or deposited in chartered banks in Canada and of four times the combined amounts of its then unimpaired paid-in capital and reserve, but the Lieutenant Governor in Council may, on the report of the Registrar and upon such terms and conditions as are prescribed, increase the amount that may be received to a sum not exceeding an amount equal to the aggregate of such cash and fifteen times the combined amounts of such capital and reserve.

Deduction
to be
made in
estimating
the paid-in
capital

- (2) In ascertaining the amounts that may be received by a trust company under subsection 1, all loans or advances to its shareholders upon the security of their shares shall be deducted from the amount of the paid-in capital.

R.S.O. 1960,
c. 222, s. 123,
amended

4. Section 123 of *The Loan and Trust Corporations Act* is amended by adding thereto the following subsection:

When extra-
provincial
trust
company
may be
registered

- (3a) A trust company duly constituted as a joint stock corporation under the laws of any other province of Canada shall not be registered unless it is shown to the satisfaction of the Registrar that, in the locality in which the company proposes to carry on business, there exists a public necessity for a trust company or for an additional trust company and the Registrar is satisfied that the fitness of the applicant to discharge the duties of a trust company is such as to command the confidence of the public and that the public convenience and advantage will be promoted by granting registration to the company.

R.S.O. 1960,
c. 222, s. 137,
subs. 1, cl. a
(1961-62,
c. 74, s. 4,
subs. 1),
amended

5.—(1) Clause *a* of subsection 1 of section 137 of *The Loan and Trust Corporations Act*, as re-enacted by subsection 1 of section 4 of *The Loan and Trust Corporations Amendment Act, 1961-62*, is amended by striking out "two-thirds" in the ninth line and inserting in lieu thereof "three-quarters", so that the clause shall read as follows:

mortgages

- (a) mortgages, charges or hypothecs upon improved real estate or leaseholds in Ontario or elsewhere where the corporation is carrying on business, but the amount paid for the mortgage, charge or hypothec, together with the amount of indebtedness under any mortgage, charge or hypothec on the real estate or leasehold ranking equally with or superior to the

SECTION 4. The new provision makes the same qualifications apply to the registration of extra-provincial trust companies as now apply to Ontario trust companies under section 17 of the Act.

SECTION 5—Subsection 1. See explanatory note for sections 2 and 3.

Subsection 2. The amendment permits the bulk purchase by loan corporations or loaning land corporations of N.H.A. mortgages including mortgages in parts of Canada in which the corporation does not carry on business.

mortgage, charge or hypothec in which the purchase or investment is made, shall not exceed three-quarters of the value of the real estate or leasehold.

(2) Clause *aa* of subsection 1 of the said section 137, as enacted by subsection 1 of section 4 of *The Loan and Trust Corporations Amendment Act, 1961-62*, is amended by striking out "Ontario or elsewhere where the corporation is carrying on business" in the second and third lines and inserting in lieu thereof "Canada" and by striking out "two-thirds" in the fifth line and inserting in lieu thereof "three-quarters", so that the clause shall read as follows:

(aa) mortgages, charges or hypothecs upon improved real estate or leaseholds in Canada, notwithstanding that the amount paid for the mortgage, charge or hypothec exceeds three-quarters of the value of the real estate or leasehold, if the loan for which the mortgage, charge or hypothec is security is an approved loan or an insured loan under the *National Housing Act, 1954* (Canada) or any amendments thereto.

(3) Clause *aa* of subsection 3 of the said section 137, as enacted by subsection 4 of section 4 of *The Loan and Trust Corporations Amendment Act, 1961-62*, is amended by striking out "two-thirds" in the seventh line and inserting in lieu thereof "three-quarters", so that the clause shall read as follows:

(aa) improved real estate or leaseholds in Ontario or elsewhere where the corporation is carrying on business, but the amount of the loan, together with the amount of indebtedness under any mortgage, charge or hypothec on the real estate or leasehold ranking equally with or superior to the loan shall not exceed three-quarters of the value of the real estate or leasehold.

(4) Clause *ab* of subsection 3 of the said section 137, as enacted by subsection 4 of section 4 of *The Loan and Trust Corporations Amendment Act, 1961-62*, is amended by striking out "two-thirds" in the fourth line and inserting in lieu thereof "three-quarters", so that the clause shall read as follows:

(ab) improved real estate or leaseholds in Ontario or elsewhere where the corporation is carrying on business, notwithstanding that the amount of the loan exceeds three-quarters of the value of the real estate or leasehold, if the loan is an approved loan or an insured loan under the *National Housing Act, 1954*^{1953-54, c. 23 (Can.)} (Canada) or any amendments thereto.

R.S.O. 1960,
c. 222, s. 139,
subs. 4,
cl. *aa*
(1961-62,
c. 74, s. 5),
amended

6.—(1) Clause *aa* of subsection 4 of section 139 of *The Loan and Trust Corporations Act*, as enacted by section 5 of *The Loan and Trust Corporations Amendment Act, 1961-62*, is amended by striking out “two-thirds” in the seventh line and inserting in lieu thereof “three-quarters”, so that the clause shall read as follows:

mortgages

(*aa*) improved real estate or leaseholds in Ontario or elsewhere where the company is carrying on business, but the amount of the loan, together with the amount of indebtedness under any mortgage, charge or hypothec on the real estate or leasehold ranking equally with or superior to the loan, shall not exceed three-quarters of the value of the real estate or leasehold.

R.S.O. 1960,
c. 222, s. 139,
subs. 4,
cl. *ab*
(1961-62,
c. 74, s. 5),
amended

(2) Clause *ab* of subsection 4 of the said section 139, as enacted by section 5 of *The Loan and Trust Corporations Amendment Act, 1961-62*, is amended by striking out “two-thirds” in the fourth line and inserting in lieu thereof “three-quarters”, so that the clause shall read as follows:

N.H.A.
mortgages

(*ab*) improved real estate or leaseholds in Ontario or elsewhere where the company is carrying on business, notwithstanding that the amount of the loan exceeds three-quarters of the value of the real estate or leasehold, if the loan is an approved loan or an insured loan under the *National Housing Act, 1954* (Canada) or any amendments thereto.

1953-54,
c. 23 (Can.)

R.S.O. 1960,
c. 222, s. 146,
amended

7. Section 146 of *The Loan and Trust Corporations Act* is amended by adding at the end thereof “or, subject to the approval of the Lieutenant Governor in Council, may lease the whole building with a lease back to the corporation of the part of the building required by the corporation for the transaction of its business”, so that the section shall read as follows:

Power to
construct
larger
building and
to lease part
thereof

146. A registered corporation, when so authorized by its letters patent or by the Lieutenant Governor in Council, may acquire or may construct, on any lands held pursuant to section 145, a building larger than is required for the transaction of its business and may lease any part of the building not so required or, subject to the approval of the Lieutenant Governor in Council, may lease the whole building with a lease back to the corporation of the part of the building required by the corporation for the transaction of its business.

SECTION 6—Subsections 3 and 4. See explanatory note for sections 2 and 3.

SECTION 7. The amendment permits loan and trust corporations to occupy the part of a building that it owns by leasing the whole subject to a lease back of the part required.

SECTIONS 8 and 9. The date for annual returns of trust companies is advanced from the 15th day of January to the 31st day of January and the semi-annual return of deposits and liquidated securities is advanced from the 15th days of January and July to the 31st days of January and July.

8.—(1) Subsection 1 of section 150 of *The Loan and Trust Corporations Act* is amended by striking out “15th” in the third line and inserting in lieu thereof “31st”. R.S.O. 1960, c. 222, s. 150, subs. 1, amended

(2) Subsection 2 of the said section 150 is amended by striking out “15th” in the third line and inserting in lieu thereof “31st”. R.S.O. 1960, c. 222, s. 150, subs. 2, amended

(3) Subsection 3 of the said section 150 is amended by striking out “15th” in the third line and inserting in lieu thereof “31st”. R.S.O. 1960, c. 222, s. 150, subs. 3, amended

9. Section 151 of *The Loan and Trust Corporations Act* is amended by striking out “15th” in the second line and inserting in lieu thereof “31st”. R.S.O. 1960, c. 222, s. 151, amended

10.—(1) This Act, except section 3, comes into force on the day it receives Royal Assent. Commencement

(2) Section 3 comes into force on a day to be named by the Lieutenant Governor by his proclamation. Idem

11. This Act may be cited as *The Loan and Trust Corporations Amendment Act, 1965*. Short title

An Act to amend
The Loan and Trust Corporations Act

1st Reading

April 8th, 1965

2nd Reading

3rd Reading

MR. WISHART

BILL 95

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Loan and Trust Corporations Act

MR. WISHART

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTES

SECTIONS 1 and 2. By legislation passed this year, the Parliament of Canada has extended the borrowing and investment powers of loan and trust corporations under federal jurisdiction. The amendments are for the purposes of equalling the extension in respect of Ontario loan and trust corporations.

BILL 95

1965

An Act to amend The Loan and Trust Corporations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 75 of *The Loan and Trust Corporations Act* is amended by striking out "twelve and one-half" in the tenth line and inserting in lieu thereof "fifteen", so that the subsection shall read as follows: R.S.O. 1960,
c. 222, s. 75,
subs. 2,
amended

(2) The total amount borrowed by a corporation on debentures and other securities and by way of deposits shall not exceed an amount equal to the aggregate of its cash on hand or deposited in chartered banks in Canada and of four times the combined amounts of its then unimpaired paid-in capital and reserve, but the Lieutenant Governor in Council may, on the report of the Registrar and upon such terms and conditions as are prescribed, increase the amount that may be borrowed to a sum not exceeding an amount equal to the aggregate of such cash and of fifteen times the combined amounts of such capital and reserve. Limit of
borrowing

2. *The Loan and Trust Corporations Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 222,
amended

82a.—(1) The total of the sums of money received as deposits under section 80 and for guaranteed investment under section 82 shall not at any time exceed an amount equal to the aggregate of its cash on hand or deposited in chartered banks in Canada and of four times the combined amounts of its then unimpaired paid-in capital and reserve, but the Lieutenant Governor in Council may, on the report of the Registrar and upon such terms and conditions as are prescribed, increase the amount that may be received to a sum not exceeding an amount equal Limit on
guaranteed
funds

to the aggregate of such cash and fifteen times the combined amounts of such capital and reserve.

Deduction
to be
made in
estimating
the paid-in
capital

- (2) In ascertaining the amounts that may be received by a trust company under subsection 1, all loans or advances to its shareholders upon the security of their shares shall be deducted from the amount of the paid-in capital.

R.S.O. 1960,
c. 222, s. 123,
amended

3. Section 123 of *The Loan and Trust Corporations Act* is amended by adding thereto the following subsection:

When extra-
provincial
trust
company
may be
registered

- (3a) A trust company duly constituted as a joint stock corporation under the laws of any other province of Canada shall not be registered unless it is shown to the satisfaction of the Registrar that, in the locality in which the company proposes to carry on business, there exists a public necessity for a trust company or for an additional trust company and the Registrar is satisfied that the fitness of the applicant to discharge the duties of a trust company is such as to command the confidence of the public and that the public convenience and advantage will be promoted by granting registration to the company.

R.S.O. 1960,
c. 222, s. 137,
subs. 1, cl. a
(1961-62,
c. 74, s. 4,
subs. 1),
amended

4.—(1) Clause *a* of subsection 1 of section 137 of *The Loan and Trust Corporations Act*, as re-enacted by subsection 1 of section 4 of *The Loan and Trust Corporations Amendment Act, 1961-62*, is amended by striking out "two-thirds" in the ninth line and inserting in lieu thereof "three-quarters", so that the clause shall read as follows:

mortgages

- (a) mortgages, charges or hypothecs upon improved real estate or leaseholds in Ontario or elsewhere where the corporation is carrying on business, but the amount paid for the mortgage, charge or hypothec, together with the amount of indebtedness under any mortgage, charge or hypothec on the real estate or leasehold ranking equally with or superior to the mortgage, charge or hypothec in which the purchase or investment is made, shall not exceed three-quarters of the value of the real estate or leasehold.

R.S.O. 1960,
c. 222, s. 137,
subs. 1,
cl. aa
(1961-62,
c. 74, s. 4,
subs. 1),
amended

(2) Clause *aa* of subsection 1 of the said section 137, as enacted by subsection 1 of section 4 of *The Loan and Trust Corporations Amendment Act, 1961-62*, is amended by striking out "Ontario or elsewhere where the corporation is carrying on business" in the second and third lines and inserting in

SECTION 3. The new provision makes the same qualifications apply to the registration of extra-provincial trust companies as now apply to Ontario trust companies under section 17 of the Act.

SECTION 4—Subsection 1. See explanatory note for sections 1 and 2.

Subsection 2. The amendment permits the bulk purchase by loan corporations or loaning land corporations of N.H.A. mortgages including mortgages in parts of Canada in which the corporation does not carry on business.

Subsections 3 and 4. See explanatory note for sections 1 and 2.

SECTION 5. See explanatory note for sections 1 and 2.

lieu thereof "Canada" and by striking out "two-thirds" in the fifth line and inserting in lieu thereof "three-quarters", so that the clause shall read as follows: N.H.A.
mortgages

- (aa) mortgages, charges or hypothecs upon improved real estate or leaseholds in Canada, notwithstanding that the amount paid for the mortgage, charge or hypothec exceeds three-quarters of the value of the real estate or leasehold, if the loan for which the mortgage, charge or hypothec is security is an approved loan or an insured loan under the *National Housing Act, 1954* (Canada) or any amendments thereto. 1953-54,
c. 23 (Can.)

(3) Clause aa of subsection 3 of the said section 137, as enacted by subsection 4 of section 4 of *The Loan and Trust Corporations Amendment Act, 1961-62*, is amended by striking out "two-thirds" in the seventh line and inserting in lieu thereof "three-quarters", so that the clause shall read as follows: R.S.O. 1960,
c. 222, s. 137,
subs. 3,
cl. aa
(1961-62,
c. 74, s. 4,
subs. 4),
amended

- (aa) improved real estate or leaseholds in Ontario or elsewhere where the corporation is carrying on business, but the amount of the loan, together with the amount of indebtedness under any mortgage, charge or hypothec on the real estate or leasehold ranking equally with or superior to the loan shall not exceed three-quarters of the value of the real estate or leasehold.

(4) Clause ab of subsection 3 of the said section 137, as enacted by subsection 4 of section 4 of *The Loan and Trust Corporations Amendment Act, 1961-62*, is amended by striking out "two-thirds" in the fourth line and inserting in lieu thereof "three-quarters", so that the clause shall read as follows: R.S.O. 1960,
c. 222, s. 137,
subs. 3,
cl. ab
(1961-62,
c. 74, s. 4,
subs. 4),
amended

- (ab) improved real estate or leaseholds in Ontario or elsewhere where the corporation is carrying on business, notwithstanding that the amount of the loan exceeds three-quarters of the value of the real estate or leasehold, if the loan is an approved loan or an insured loan under the *National Housing Act, 1954* (Canada) or any amendments thereto. 1953-54,
c. 23 (Can.)

5.—(1) Clause aa of subsection 4 of section 139 of *The Loan and Trust Corporations Act*, as enacted by section 5 of *The Loan and Trust Corporations Amendment Act, 1961-62*, is amended by striking out "two-thirds" in the seventh line and inserting in lieu thereof "three-quarters", so that the clause shall read as follows: R.S.O. 1960,
c. 222, s. 139,
subs. 4,
cl. aa
(1961-62,
c. 74, s. 5),
amended

mortgages

- (aa) improved real estate or leaseholds in Ontario or elsewhere where the company is carrying on business, but the amount of the loan, together with the amount of indebtedness under any mortgage, charge or hypothec on the real estate or leasehold ranking equally with or superior to the loan, shall not exceed three-quarters of the value of the real estate or leasehold.

R.S.O. 1960,
c. 222, s. 139,
subs. 4,
cl. ab
(1961-62,
c. 74, s. 5),
amended

- (2) Clause *ab* of subsection 4 of the said section 139, as enacted by section 5 of *The Loan and Trust Corporations Amendment Act, 1961-62*, is amended by striking out "two-thirds" in the fourth line and inserting in lieu thereof "three-quarters", so that the clause shall read as follows:

N.H.A.
mortgages

- (ab) improved real estate or leaseholds in Ontario or elsewhere where the company is carrying on business, notwithstanding that the amount of the loan exceeds three-quarters of the value of the real estate or leasehold, if the loan is an approved loan or an insured loan under the *National Housing Act, 1954* (Canada) or any amendments thereto.

1953-54,
c. 23 (Can.)

R.S.O. 1960,
c. 222, s. 146,
amended

- 6.** Section 146 of *The Loan and Trust Corporations Act* is amended by adding at the end thereof "or, subject to the approval of the Lieutenant Governor in Council, may lease the whole building with a lease back to the corporation of the part of the building required by the corporation for the transaction of its business", so that the section shall read as follows:

Power to
construct
larger
building and
to lease part
thereof

146. A registered corporation, when so authorized by its letters patent or by the Lieutenant Governor in Council, may acquire or may construct, on any lands held pursuant to section 145, a building larger than is required for the transaction of its business and may lease any part of the building not so required or, subject to the approval of the Lieutenant Governor in Council, may lease the whole building with a lease back to the corporation of the part of the building required by the corporation for the transaction of its business.

R.S.O. 1960,
c. 222, s. 150,
subs. 1,
amended

- 7.—(1)** Subsection 1 of section 150 of *The Loan and Trust Corporations Act* is amended by striking out "15th" in the third line and inserting in lieu thereof "31st".

R.S.O. 1960,
c. 222, s. 150,
subs. 2,
amended

- (2) Subsection 2 of the said section 150 is amended by striking out "15th" in the third line and inserting in lieu thereof "31st".

SECTION 6. The amendment permits loan and trust corporations to occupy the part of a building that it owns by leasing the whole subject to a lease back of the part required.

SECTIONS 7 and 8. The date for annual returns of trust companies is advanced from the 15th day of January to the 31st day of January and the semi-annual return of deposits and liquidated securities is advanced from the 15th days of January and July to the 31st days of January and July.



(3) Subsection 3 of the said section 150 is amended by striking out "15th" in the third line and inserting in lieu thereof "31st". R.S.O. 1960, c. 222, s. 150, subs. 3, amended

8. Section 151 of *The Loan and Trust Corporations Act* is amended by striking out "15th" in the second line and inserting in lieu thereof "31st". R.S.O. 1960, c. 222, s. 151, amended

9.—(1) This Act, except section 2, comes into force on the day it receives Royal Assent. Commencement

(2) Section 2 comes into force on a day to be named by the Lieutenant Governor by his proclamation. Idem

10. This Act may be cited as *The Loan and Trust Corporations Amendment Act, 1965*. Short title

An Act to amend
The Loan and Trust Corporations Act

1st Reading

April 8th, 1965

2nd Reading

April 13th, 1965

3rd Reading

MR. WISHART

*(Reprinted as amended by the Committee
of the Whole House)*

BILL 95

**3RD SESSION, 27TH LEGISLATURE, ONTARIO
13-14 ELIZABETH II, 1965**

An Act to amend The Loan and Trust Corporations Act

MR. WISHART

18. 11. 11

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18. 11. 11

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BILL 95

1965

An Act to amend The Loan and Trust Corporations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 75 of *The Loan and Trust Corporations Act* is amended by striking out "twelve and one-half" in the tenth line and inserting in lieu thereof "fifteen", so that the subsection shall read as follows: R.S.O. 1960,
c. 222, s. 75,
subs. 2,
amended

(2) The total amount borrowed by a corporation on debentures and other securities and by way of deposits shall not exceed an amount equal to the aggregate of its cash on hand or deposited in chartered banks in Canada and of four times the combined amounts of its then unimpaired paid-in capital and reserve, but the Lieutenant Governor in Council may, on the report of the Registrar and upon such terms and conditions as are prescribed, increase the amount that may be borrowed to a sum not exceeding an amount equal to the aggregate of such cash and of fifteen times the combined amounts of such capital and reserve. Limit of
borrowing

2. *The Loan and Trust Corporations Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 222,
amended

82a.—(1) The total of the sums of money received as deposits under section 80 and for guaranteed investment under section 82 shall not at any time exceed an amount equal to the aggregate of its cash on hand or deposited in chartered banks in Canada and of four times the combined amounts of its then unimpaired paid-in capital and reserve, but the Lieutenant Governor in Council may, on the report of the Registrar and upon such terms and conditions as are prescribed, increase the amount that may be received to a sum not exceeding an amount equal Limit on
guaranteed
funds

to the aggregate of such cash and fifteen times the combined amounts of such capital and reserve.

Deduction
to be
made in
estimating
the paid-in
capital

- (2) In ascertaining the amounts that may be received by a trust company under subsection 1, all loans or advances to its shareholders upon the security of their shares shall be deducted from the amount of the paid-in capital.

R.S.O. 1960,
c. 222, s. 123,
amended

3. Section 123 of *The Loan and Trust Corporations Act* is amended by adding thereto the following subsection:

When extra-
provincial
trust
company
may be
registered

- (3a) A trust company duly constituted as a joint stock corporation under the laws of any other province of Canada shall not be registered unless it is shown to the satisfaction of the Registrar that, in the locality in which the company proposes to carry on business, there exists a public necessity for a trust company or for an additional trust company and the Registrar is satisfied that the fitness of the applicant to discharge the duties of a trust company is such as to command the confidence of the public and that the public convenience and advantage will be promoted by granting registration to the company.

R.S.O. 1960,
c. 222, s. 137,
subs. 1, cl. a
(1961-62,
c. 74, s. 4,
subs. 1),
amended

4.—(1) Clause *a* of subsection 1 of section 137 of *The Loan and Trust Corporations Act*, as re-enacted by subsection 1 of section 4 of *The Loan and Trust Corporations Amendment Act, 1961-62*, is amended by striking out "two-thirds" in the ninth line and inserting in lieu thereof "three-quarters", so that the clause shall read as follows:

mortgages

- (a) mortgages, charges or hypothecs upon improved real estate or leaseholds in Ontario or elsewhere where the corporation is carrying on business, but the amount paid for the mortgage, charge or hypothec, together with the amount of indebtedness under any mortgage, charge or hypothec on the real estate or leasehold ranking equally with or superior to the mortgage, charge or hypothec in which the purchase or investment is made, shall not exceed three-quarters of the value of the real estate or leasehold.

R.S.O. 1960,
c. 222, s. 137,
subs. 1,
cl. aa
(1961-62,
c. 74, s. 4,
subs. 1),
amended

(2) Clause *aa* of subsection 1 of the said section 137, as enacted by subsection 1 of section 4 of *The Loan and Trust Corporations Amendment Act, 1961-62*, is amended by striking out "Ontario or elsewhere where the corporation is carrying on business" in the second and third lines and inserting in

lieu thereof "Canada" and by striking out "two-thirds" in the fifth line and inserting in lieu thereof "three-quarters", so that the clause shall read as follows: ^{N.H.A. mortgages}

- (aa) mortgages, charges or hypothecs upon improved real estate or leaseholds in Canada, notwithstanding that the amount paid for the mortgage, charge or hypothec exceeds three-quarters of the value of the real estate or leasehold, if the loan for which the mortgage, charge or hypothec is security is an approved loan or an insured loan under the *National Housing Act, 1954* (Canada) or any amendments thereto. ^{1953-54, c. 23 (Can.)}

(3) Clause aa of subsection 3 of the said section 137, as enacted by subsection 4 of section 4 of *The Loan and Trust Corporations Amendment Act, 1961-62*, is amended by striking out "two-thirds" in the seventh line and inserting in lieu thereof "three-quarters", so that the clause shall read as follows: ^{R.S.O. 1960, c. 222, s. 137, subs. 3, cl. aa (1961-62, c. 74, s. 4, subs. 4), amended}

- (aa) improved real estate or leaseholds in Ontario or elsewhere where the corporation is carrying on business, but the amount of the loan, together with the amount of indebtedness under any mortgage, charge or hypothec on the real estate or leasehold ranking equally with or superior to the loan shall not exceed three-quarters of the value of the real estate or leasehold.

(4) Clause ab of subsection 3 of the said section 137, as enacted by subsection 4 of section 4 of *The Loan and Trust Corporations Amendment Act, 1961-62*, is amended by striking out "two-thirds" in the fourth line and inserting in lieu thereof "three-quarters", so that the clause shall read as follows: ^{R.S.O. 1960, c. 222, s. 137, subs. 3, cl. ab (1961-62, c. 74, s. 4, subs. 4), amended}

- (ab) improved real estate or leaseholds in Ontario or elsewhere where the corporation is carrying on business, notwithstanding that the amount of the loan exceeds three-quarters of the value of the real estate or leasehold, if the loan is an approved loan or an insured loan under the *National Housing Act, 1954* (Canada) or any amendments thereto. ^{1953-54, c. 23 (Can.)}

5.—(1) Clause aa of subsection 4 of section 139 of *The Loan and Trust Corporations Act*, as enacted by section 5 of *The Loan and Trust Corporations Amendment Act, 1961-62*, is amended by striking out "two-thirds" in the seventh line and inserting in lieu thereof "three-quarters", so that the clause shall read as follows: ^{R.S.O. 1960, c. 222, s. 139, subs. 4, cl. aa (1961-62, c. 74, s. 5), amended}

mortgages

(aa) improved real estate or leaseholds in Ontario or elsewhere where the company is carrying on business, but the amount of the loan, together with the amount of indebtedness under any mortgage, charge or hypothec on the real estate or leasehold ranking equally with or superior to the loan, shall not exceed three-quarters of the value of the real estate or leasehold.

R.S.O. 1960,
c. 222, s. 139,
subs. 4,
cl. ab
(1961-62,
c. 74, s. 5),
amended

(2) Clause *ab* of subsection 4 of the said section 139, as enacted by section 5 of *The Loan and Trust Corporations Amendment Act, 1961-62*, is amended by striking out "two-thirds" in the fourth line and inserting in lieu thereof "three-quarters", so that the clause shall read as follows:

N.H.A.
mortgages

(ab) improved real estate or leaseholds in Ontario or elsewhere where the company is carrying on business, notwithstanding that the amount of the loan exceeds three-quarters of the value of the real estate or leasehold, if the loan is an approved loan or an insured loan under the *National Housing Act, 1954* (Canada) or any amendments thereto.

1953-54,
c. 23 (Can.)

R.S.O. 1960,
c. 222, s. 146,
amended

6. Section 146 of *The Loan and Trust Corporations Act* is amended by adding at the end thereof "or, subject to the approval of the Lieutenant Governor in Council, may lease the whole building with a lease back to the corporation of the part of the building required by the corporation for the transaction of its business", so that the section shall read as follows:

Power to
construct
larger
building and
to lease part
thereof

146. A registered corporation, when so authorized by its letters patent or by the Lieutenant Governor in Council, may acquire or may construct, on any lands held pursuant to section 145, a building larger than is required for the transaction of its business and may lease any part of the building not so required or, subject to the approval of the Lieutenant Governor in Council, may lease the whole building with a lease back to the corporation of the part of the building required by the corporation for the transaction of its business.

R.S.O. 1960,
c. 222, s. 150,
subs. 1,
amended

7.—(1) Subsection 1 of section 150 of *The Loan and Trust Corporations Act* is amended by striking out "15th" in the third line and inserting in lieu thereof "31st".

R.S.O. 1960,
c. 222, s. 150,
subs. 2,
amended

(2) Subsection 2 of the said section 150 is amended by striking out "15th" in the third line and inserting in lieu thereof "31st".

(3) Subsection 3 of the said section 150 is amended by ^{R.S.O. 1960,} striking out "15th" in the third line and inserting in lieu ^{c. 222, s. 150,} thereof "31st". ^{subs. 3,} ^{amended}

8. Section 151 of *The Loan and Trust Corporations Act* ^{R.S.O. 1960,} is amended by striking out "15th" in the second line and ^{c. 222, s. 151,} inserting in lieu thereof "31st". ^{amended}

9.—(1) This Act, except section 2, comes into force on ^{Commence-} the day it receives Royal Assent. ^{ment}

(2) Section 2 comes into force on a day to be named by the ^{Idem} Lieutenant Governor by his proclamation.

10. This Act may be cited as *The Loan and Trust Corpora-* ^{Short title} *tions Amendment Act, 1965.*

An Act to amend
The Loan and Trust Corporations Act

1st Reading

April 8th, 1965

2nd Reading

April 13th, 1965

3rd Reading

June 21st, 1965

MR. WISHART

